

NGO-NMA

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9210 Prototype Drive
Suite 200
Reno, NV 89521
(775) 829-2121 TEL
(775) 852-2631 FAX
www.nevadaminning.org

Bureau of Land Management
Winnemucca District
5100 E. Winnemucca Blvd.
Winnemucca, NV 89455

Email: wdrmp@blm.gov

VIA EMAIL and U.S. MAIL

Re: The Nevada Mining Association's Comments on Draft Winnemucca RMP

Dear Sir or Madam:

The Nevada Mining Association (NvMA) hereby submits its comments on the Winnemucca District Office's (WDO) Draft Resource Management Plan and Environmental Impact Statement, dated May 2010 (RMP). The NvMA appreciates the BLM's consideration of these comments and is hopeful they will assist the BLM in developing a final RMP, which provides a useful and balanced framework for managing multiple uses on public lands within the WDO.

The Nevada Mining Association is a trade association that strives to maintain a business environment that encourages exploration, development, and production of minerals in Nevada now, and in the future. We accomplish this by bringing the industry together to speak with one voice and follow best practices in the areas of regulatory affairs, policy, education, safety, environmental, human resources, and public outreach.

By pooling our individual resources and working collectively with our stakeholders, we are able to strengthen our impact.

Our 250 members include precious metal, base metal, and industrial mineral mining companies; mineral exploration and development companies; geothermal energy companies; suppliers of goods and services to the mining industry; and individuals interested in mining in Nevada.

Mining is a major contributor to the economic health of Northern Nevada and the WDO. As indicated in the RMP Socioeconomic Report (Appendix H), mining contributes over 40% of the private earnings in Humboldt County. As the draft RMP further notes (p. 4-94), locatable minerals are the most important economic mineral type in the planning area. The various resource management decisions that the BLM

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makes in the RMP have the potential to substantially affect present and future mineral development operations. It is particularly important that BLM management policies contained in the final RMP do not negatively impact this important sector of the local and regional economy.

Congress has long recognized this country's substantial interest in developing its domestic minerals base for the benefit of the American public. The Mining and Minerals Policy Act of 1970 (30 U.S.C. § 21a) provides:

[I]t is the continuing policy of the Federal Government in the national interest to foster and encourage private enterprise in (1) the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries, (2) the orderly and economic development of domestic mineral resources, reserves and reclamation of metals and minerals to help assure satisfaction of industrial, security and environmental needs..

The longstanding Federal policy to encourage mineral exploration and development dates back to the General Mining Law of 1872, which declared that all valuable mineral deposits on the federal lands shall be free and open to exploration and purchase. 30 U.S.C. § 22. As this country's policy of managing federal resources for multiple-uses evolved through the twentieth century, Congress continued to promote the important national interest in developing domestic mineral resources. In the Surface Resources and Multiple Use Act of 1955, Congress provided that unpatented mining claims located thereafter would be subject to the right of the United States to manage surface resources, provided that "any use of the surface of any such mining claim by the United States, its permittees or licensees, shall be such as to not endanger or materially interfere with prospecting, mining or processing operations or uses reasonably incident thereto." 30 U.S.C. § 612(b).

This policy of protecting the rights of the public to explore for and develop locatable minerals was carried forward by Congress, and expressly incorporated into the current framework for managing Federal public lands under the Federal Land and Policy Management Act of 1976 ("FLPMA"). Among the key policies established in FLPMA, Congress directed that the public lands continue to be managed in a manner that recognizes this Nation's need for minerals and in a manner that implements the Mining and Minerals Policy Act of 1970. 43 U.S.C. § 1701(12). Congress expressly provided that the land-use planning directives under FLPMA shall not "in any way amend the Mining Law of 1872 or impair the rights of any locators or claims under that Act, including, but not limited to, rights of ingress and egress" to public lands for mineral exploration and development. 43 U.S.C. § 1732(b).

In managing the public lands, FLPMA directs the BLM to take actions necessary to prevent "unnecessary and undue degradation." 43 U.S.C. § 1732(b). The BLM has implemented this requirement with respect to management of locatable mineral

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activities through regulations adopted at 43 C.F.R. Subpart 3809. The BLM's 3809 regulations establish a comprehensive permitting framework by which the BLM evaluates the potential impacts of proposed mineral exploration and mining operations, and develops project-specific mitigation measures to ensure that other resources are protected in a manner that prevents unnecessary and undue degradation. In conjunction with the environmental analyses required under the National Environmental Policy Act and the numerous other media-specific permitting requirements that apply to mining activities (e.g., Clean Water Act, Clean Air Act), the BLM's 3809 regulations provide the means to effectively manage the effects of mineral exploration and development activities while recognizing the longstanding national policy to foster mineral development for the benefit of the American people. The draft RMP correctly concludes that compliance with existing laws and regulations is generally sufficient to ensure that public land resources, such as water quality, are protected from the potential impacts of mining-related activities (RMP, p. 4-93).

As stated in the Executive Summary for the RMP: "The purpose of the RMP is to provide a single comprehensive land use plan that will guide management of the public lands and uses administered by the WDO consistent with laws, regulations and policies and guidance." (RMP, p ES-3). Given the rights granted to locators under the General Mining Law, and the comprehensive permitting regime that provides for careful evaluation of site-specific impacts and the development of appropriate project-specific mitigation measures for locatable mineral activities, it is both unnecessary and inappropriate for the BLM to develop broad, generalized restrictions on locatable mineral activities through the auspices of resource management plans. Mitigation measures to address the potential impacts of mining-related projects are most appropriately designed at the project-level when site-specific factors such as project design and location are considered.

The Association's specific comments on the draft RMPs are organized as follows:

- (I) General observations and comments on the draft RMP;
- (II) Comments regarding recommended withdrawals from mineral location;
- (III) Comments regarding specific stipulations and other restrictions on mineral exploration and mining activities;
- (IV) Comments regarding other RMP management prescriptions that may affect locatable mineral activities.

I. GENERAL OBSERVATIONS AND COMMENTS ON THE RMP

This Section includes The Association's general comments on the analyses and overall management approach presented in the draft RMP. Additional comments addressing specific proposed management actions and stipulations are included in the Sections that follow.

NGO-NMA-1:

The FLPMA and case law clearly provide that operations under the General Mining Law are subject to whatever reasonable regulations the Secretary may apply. For that reason the RMP acts as a broad guide that puts the user-public on notice of the resource concerns that occur in particular areas. Those concerns must be taken into account in the specific review of any action proposed subject to 43 CFR 3802 or 3809.

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The NvMA supports the BLM's extensive planning efforts and the development of a new RMP that will govern management decisions within the planning area for years to come. The NvMA appreciates that, in developing the draft RMP, the BLM has dedicated substantial efforts to identifying and evaluating various alternative management plans. The NvMA generally supports Alternative D, the BLM's preferred alternative. However, The NvMA has a number of concerns with respect to this alternative, and the potential effects that it may have on future mineral exploration and development activities within the WDO.

As the BLM notes, the alternatives considered in the draft RMP were developed to provide a range of alternatives with different management emphases. Alternative B was developed by the BLM to provide an emphasis on resource use. However, as the RMP concludes, Alternative B actually provides greater levels of protection to many resources than does Alternative A (no-action), and would place restrictive stipulations on locatable mineral activities within 23 of the 25 mining districts in the WDO with occurrences of silver and gold (RMP, p. 4-731). Alternative C was developed to provide an emphasis on ecological preservation. This alternative contains numerous restrictions on resource management activities that are not practicable, do not provide for a balance of multiple uses and would have significant adverse impacts on resource development activities, including mineral development. The Association concurs with the BLM's determination that Alternative C does not provide an appropriate balance of multiple-use management prescriptions within the planning area.

The draft RMP (p. ES-8) identifies Alternative D as the BLM's preferred alternative, and concludes that this alternative provides the most reasonable, practical and balanced approach to managing public lands and resources. While The NvMA understands that the BLM is faced with a number of potentially competing resource uses and values, some of the management actions prescribed for Alternative D unduly restrict locatable mineral activities contrary to the Congressional directives summarized above. Consequently, as described in The NvMA's more specific comments below, several of the management actions specified for Alternative D should be revised in the final RMP to provide a better balance of resource management prescriptions that adequately recognize the rights of locatable mineral operators.

Rather than debate which of the management alternatives evaluated in the draft RMP provides the best overall management framework, The NvMA's comments focus on the BLM's preferred alternative—Alternative D, and present suggestions for fine-tuning Alternative D to provide for a lawful, reasonable and workable management plan. The NvMA's comments primarily address management prescriptions that affect locatable mineral activities and related public land uses.

The draft RMP (pp. ES-9, 4-7) states that future mining activities are expected to be similar under all RMP alternatives. This conclusion is inconsistent with the dissimilar

NGO-NMA-2: The General Mining Law is one of a number of laws that needs to be taken into account and balanced within the RMP. Its provisions have been taken into account particularly in Alternatives A, B, and D. The RMP, particularly in those three alternatives, essentially describes what has been existing standard operating procedure, on a case-by-case basis, for actions under the General Mining Law.

NGO-NMA-3: BLM recognizes that the range of alternatives would affect mineral development. The RMP describes what has been standard operating procedure, on a case-by-case basis, for existing actions under the General Mining Law. That leads to the conclusion that, if operations have been permitted previously, the future level of interest and subsequent permitting will not be substantially different. Implementing Alternative C would be most likely to result in noticeable impacts to future interest in locatable minerals development.

NGO-NMA-2

NGO-NMA-3

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↑ restrictions placed on mining activities under the various alternatives. As the summary in Table ES-2 illustrates, there are substantial differences in the acreages that are open to mineral location and are subject to "special conditions" under the various alternatives. The additional restrictions under Alternatives C and D would almost certainly result in lower levels of mining activity than under Alternative A.

NGO-NMA-4

Table ES-2 summarizes the number of acres that would be open to claim location under the General Mining Law and the number of acres where mining activities would be subject to special conditions or mitigation measures. That table states that Alternatives A and B would have a substantially greater number of acres (4,299,889 acres) on which mining activities would be subject to special conditions or mitigation measures than under Alternatives C and D. The Association is unable to determine the grounds on which the BLM would be requiring greater areas with special restrictions under Alternatives A and B, especially since Alternative B is intended to emphasize "resource use" in the planning area and purportedly has the "fewest protected areas and restrictions to development and use." (RMP, p. 2-8). This discrepancy should be resolved in the final RMP. Overall, the draft RMP makes it very difficult to determine on which lands locatable mineral activities would be subject to special stipulations or mitigation measures.

NGO-NMA-4: See response to NGO-NMA-3.

Regarding the difficulty in determining land subject to special stipulations, the BLM has furnished maps suitable for a RMP analysis.

NGO-NMA-5

FLPMA, NEPA and the BLM's planning regulations require the BLM to consider the impacts of RMP decisions on local economies, on adjacent or nearby non-Federal lands and on split-estate lands with privately-owned surface. 43 C.F.R. §§ 1601.0-8, 1610.4-6. The economic analysis, although cursory, correctly concludes that Alternative C would have "the greatest potential to limit economic development based on mineral operations, to increase operations costs, and to reduce income, employment, and expenditures within the local economy based on this industry." (RMP p. 4-732). Considering the impact of mineral operations on the local economies of the WDO, Alternative C is clearly unacceptable.

NGO-NMA-5: Comment noted.

II. WITHDRAWALS FROM MINERAL LOCATION

NGO-NMA-6

Section 204 of FLPMA provides specific procedures that the Department of the Interior must follow in order to withdraw public lands from mining. 43 U.S.C. § 1714. It would be inappropriate for the RMP to attempt to close any lands within the planning area through land-use management actions or other prescriptions. Accordingly, the draft RMP proposes Management Action CA-MR 3.1 for all planning alternatives, which provides that all public lands within the planning area will remain open to locatable mineral activities, subject to the formal withdrawal provisions in Section 204 of FLPMA. (RMP, p. 2-21). Consistent with this Management Action, it is essential that the final RMP not be implemented in a manner that would create de facto withdrawals through the imposition of restrictive stipulations that would have the effect of foreclosing locatable mineral operations.

NGO-NMA-6: BLM must comply with FLPMA and other applicable laws, regulations and policy. The range of alternatives takes into considerations areas containing sensitive resource values and recommends withdrawing locatable minerals as described in action MR 9.2. As presented, the RMP does not create any de facto withdrawals. The RMP can propose formal mineral withdrawals within the document. Those must be specifically identified, and would still have to go through the formal withdrawal process after the finalization of the RMP. The RMP can also set the stage for future withdrawals, the specifics of which are undefined at the time of writing the document. Those too would have to go through the formal withdrawal process, and would also include review under a separate NEPA document.

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NGO-NMA-7

The RMP provides that the BLM would pursue formal withdrawals of certain areas under the various plan alternatives. In particular, under all alternatives, the BLM would seek withdrawal of the Osgood Mountain Milkvetch ACEC (RMP, p. 2-15). Management Action CA-SSS 3.2 proposes that a mineral withdrawal be pursued for this area under all alternatives. This management objective is inconsistent with designated actions under Alternative B. Action B-MR 9.2 (p. 2-179) does not identify Osgood as a withdrawal area under Alternative B. Considering the proximity to existing and historical mining areas, The NvMA believes that withdrawing this area from mineral entry should be reconsidered and that the area should remain open to mineral entry with appropriate limitations and stipulations applied to operations authorizations.

NGO-NMA-7: BLM is obligated to take appropriate action to preserve or enhance sensitive species in order to prevent their formal listing as a threatened or endangered species. The existing Osgood ACEC would continue to be managed as an ACEC, see D-ACEC 1.1. The area is identified as a future mineral withdrawal (60 acres).

NGO-NMA-8

The RMP provides that the BLM would pursue formal withdrawals of certain areas under the various plan alternatives. As stated above, the BLM would seek withdrawal of the Osgood Mountain Milkvetch ACEC (RMP, p. 2-15). The Management Actions for Alternative D provide that other areas designated as ACECs will not be withdrawn from locatable mineral activities (Management Action D-MR 9.2 (RMP, p. 2-178); Management Action D-ACEC 1.1 (RMP, p. 2-253)). The NvMA strongly supports that determination. At page 4-488; however, the draft RMP suggests that the BLM may seek to withdraw these other ACEC lands from locatable mineral development on a "case-by-case basis." That statement is contrary to the Management Actions identified for Alternative D and with BLM's determination that, with the exception of the Osgood Mountain Milkvetch ACEC, designated ACECs would remain open for locatable mineral development. Consequently, this statement should be deleted from the description of Alternative D at page 4-488.

NGO-NMA-8: See response to NGO-NMA-6.

Under Management Action D-G1.1.1, Alternative D designates six (6) sites as having unique geologic features. (Action D-G1.1.1). These areas would be designated as exclusion zones for rights-of-way and other discretionary actions and would be closed to salable mineral disposal. The BLM would also pursue withdrawal of these areas from locatable minerals (Action D-G1.1; RMP, pp. 2-29, 2-178). In contrast, under Alternative A such areas would not be designated, and under Alternative B those areas would remain open to mineral activities subject to stipulations or mitigation measures that would prevent undue adverse impacts to the designated unique resources.

The Association is concerned with the Alternative D management of unique geologic features for the following reasons:

NGO-NMA-9

- It is unclear what criteria were used for designating these geologic features as 'unique'. Such a designation would seem to imply uniqueness on some regional or national basis, not just locally. Columnar basalts, for instance, may be a unique occurrence within the WDO, but occur in numerous locations within the proper geologic terrains of the western United States.

NGO-NMA-9: BLM has revised this section in the proposed RMP – See D-G1, D-G1.1, and DG1.N.

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NGO-NMA-10	<ul style="list-style-type: none"> There is no indication as to the size of these sites that would ultimately be closed to mineral entry. Ancient Lake Lahonton inundated the majority of the WDO (RMP, Figure 3-1) and shoreline features may be widespread in the area. The location and extent of the shoreline features proposed as unique geologic features is not indicated in the RMP. 	NGO-NMA-10: See response NGO-NMA-9.
NGO-NMA-11	<ul style="list-style-type: none"> Mineral withdrawals of even relatively small areas can have the effect of impacting mineral activities on a considerably larger surrounding area. 	NGO-NMA-11: Withdrawals would be suggested in accordance with Action MR 9.2 (same in all alternatives): "Limit the size of mineral withdrawals to what is necessary to protect the values requiring the mineral withdrawal."
NGO-NMA-12	<p>Considering the above, management of designated unique geologic features should be in accordance with provisions of Alternative B (Action B-G 1.1). The sites would remain open for locatable mineral activities subject to implementation of permit stipulations or mitigation measures to prevent undue adverse impacts. The environmental consequence evaluation (RMP, page 4-47) indicates that the effect of mineral activities on unique geologic resources will be the same under all alternatives. This would seem to support the conclusion that there is no need to withdraw these areas, and that the resources can be managed on a case-by-case basis.</p>	NGO-NMA-12: See response NGO-NMA-9.
NGO-NMA-13	<p>Management Action D-MR 9.2 (RMP, p. 2-178) identifies additional areas that the BLM would pursue for mineral withdrawals. The Association concurs with the statement in this Management Action that any mineral withdrawals would be kept to the minimum necessary to protect the identified important resource values requiring protection. This Management Action should be revised to clarify that any such withdrawals would be pursued in accordance with Section 204 of FLPMA and that the RMP does not itself establish any such withdrawal. Subpart (f) of Management Action D-MR 9.2 should be revised to state that future designated Wilderness Areas are expected to be closed to the General Mining Law, "subject to existing rights."</p>	NGO-NMA-13: The comments provided are part of established law or case law and there is no need to specify those details in the RMP/EIS. The RMP does not establish specific withdrawals, it indicates Bureau support for pursuing those identified and any proposed in the future. Any withdrawal will have to go through the prescribed process of proposal, review, and NEPA analysis.
NGO-NMA-14	<p>The Association strongly opposes any additional mineral withdrawals that were considered as part of Alternative C including, but not limited to withdrawals in additional ACECs. Alternative C also contains a number of stipulations that would have the effect of prohibiting or substantially limiting locatable mineral activities within various areas that are not formally withdrawn. Those stipulations do not allow for balanced management of multiple uses and may constitute an unlawful withdrawal in violation of FLPMA.</p> <p><u>III. MANAGEMENT ACTIONS AFFECTING LOCATABLE MINERAL ACTIVITIES</u></p> <p>The final RMP will establish numerous Management Objectives and Actions that will guide future resource management activities in the WDO for the next two decades. Table 2-3 identifies Management Actions that are intended to be directly applicable to locatable mineral activities. Many other Management Actions listed in Table 2-3 address other resources, but may also have a substantial effect on locatable mineral</p>	NGO-NMA-14: BLM prepared a range of alternatives. Alternatives A, B and D do not propose a mineral withdrawal for ACECs except the Osgood Milkvetch ACEC, which is included for withdrawal in all alternatives.

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activities. This Section of The NvMA's comments addresses the various Management Actions identified for the BLM's preferred Alternative D that may have a substantial effect on locatable mineral activities, and which require some modification in the final RMP in order to strike an appropriate balance of multiple uses, consistent with Federal mineral law and policy.

Public Access

Management Action CA-MR 2.1 (RMP, p. 2-21), which would apply under all alternatives, states that the RMP must ensure that public land occupancy related to mineral activities does not hinder previously existing access to public lands. This Management Objective should be revised to acknowledge that public access may be limited in areas experiencing mineral exploration and development activities under a variety of circumstances. For example, in the locatable minerals context, the BLM's regulations governing use and occupancy under the mining laws (43 C.F.R. Subpart 3715) expressly authorize fencing or other exclusions where such structures are reasonably incident to mineral prospecting, mining or processing operations. Among other reasons, these types of exclusions are appropriate based on security and public safety considerations, and Management Action MR 2.1 should be revised to reflect this. This same comment applies to Management Objective D-MR 8, which provides that occupancy will be allowed in accordance with 43 C.F.R. Subpart 3715 while "maintaining public access." This Objective should be revised to acknowledge that public access may be restricted in accordance with the BLM's surface occupancy regulations.

Biologic Crusts

The RMP, Figure 3-3 (p. 3-16) identifies extensive areas within the WDO as having high potential for biological crusts. Under the different alternatives, Management Actions S 1.3 and S 1.5 (RMP, p. 2-33) would place varying stipulations on surface-disturbing activities to protect biological crust areas, including seasonal restrictions under Alternative C. Such seasonal restrictions would not be practicable or feasible for most mining operations, and could have a dramatic adverse effect on many mineral exploration and development activities. Management Actions D-S1.3 and D-S1.5 suggest that such restrictions would not apply to surface disturbing activities under Alternative D. Consistent therewith, page 4-59 of the RMP states that, under Alternative D, mining activities would be encouraged to protect and reduce impacts to soils, but does not suggest that there would be any mandatory restrictions for areas with biological soil crusts. In contrast, page 4-468 of the draft RMP states that, under Alternative D, surface disturbance within high potential biological crust areas would be seasonally restricted on a case-by-case basis. The discussion at page 4-468 should be revised to reflect the fact that such seasonal restrictions are not required under Alternative D. If the BLM fails to amend the RMP in such a manner, the BLM must

NGO-NMA-15: Proper occupancy (43 CFR 3715) under the General Mining Law is addressed in Objective MR-8 and subsequent actions. The purpose of CA-MR 2.1 and Objective MR-8 is to assure that such occupancies provide for the continued access of the public to lands surrounding the occupancy, particularly if specific access (a trail or road) was obstructed by the occupancy.

NGO-NMA-16: See response to NGO-NMA-15.

NGO-NMA-17: BLM evaluated impact to minerals based on soils management in Chapter 4 – Section 4.3.1. Seasonal restrictions would be considered on a case-by-case basis.

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- NGO-NMA-17
Cont-d. ↑ include in the RMP a detailed evaluation of the potential impacts that such restrictions may have on mining and other mineral exploration and development activities.
- Priority Watersheds
- Alternatives C and D would identify priority watersheds (Figure 2-3) and, under Management Action WR 1.2, would designate these as either avoidance areas (Alternative D) or exclusion areas (Alternative C) for other uses. The RMP does not provide an adequate discussion of the potential effect of these designations on locatable minerals activities. Any designation that would have the effect of closing these areas to locatable mineral activities would constitute an unlawful withdrawal contrary to Section 204 of FLPMA. Page 4-469 of the draft RMP suggests that, under Alternative D, there would be undefined "restrictions" on locatable mineral operations in these areas. In contrast, Alternative B provides an appropriate balancing of multiple-use considerations for priority watersheds by stating that these areas will be managed for multiple use, while providing long-term sustainable water for local communities. Consequently, the BLM should adopt Management Action B-WR 1.2 rather than Management Action D-WR 1.2 in the final RMP.
- Old Growth Forests
- The draft RMP designates areas of old growth forest (Figure 2-6). The Management Actions under Alternative B provide an appropriate balance of management prescriptions by acknowledging that multiple-use activities will be allowed in these areas, subject to mitigation measures that would reduce adverse impacts to old growth in these areas. In contrast, Management Action D-VF 4 fails to acknowledge that these areas would remain open to multiple use, and potentially suggest that these areas would be managed solely for preservation of old growth stands; thereby unlawfully restricting other uses. Consequently, the final RMP should include Management Action B-VF 4, rather than D-VF 4.
- Priority Wildlife Habitat Areas
- Under Alternatives B, C and D, varying areas would be designated as Priority 1 and Priority 2 wildlife habitat areas. (See Action FW 1.1; RMP, p. 2-66). The draft RMP does not provide a reasoned explanation of how these areas were designated and does not identify what management prescriptions would apply in these areas. Page 4-472 of the draft RMP states that these areas may be closed to mining activities or open with undefined restrictions or mitigation measures "that would impact mining activities." RMP prescriptions that prohibit locatable mining activities in these areas would constitute an unlawful withdrawal in violation of FLPMA. Given the RMP's failure to provide a reasoned explanation for how these wildlife areas were designated and what restrictions would apply, Management Action D-FW 1.1 should be replaced with Action A-FW 1.1 in the final RMP. Mitigation measures to protect wildlife from the
- NGO-NMA-18
- NGO-NMA-19
- NGO-NMA-20 ↓
- NGO-NMA-18: The avoidance and exclusion zones proposed in the RMP apply only to certain uses authorized by the BLM. Appropriate rights-of-way, following routes that are considered by the Bureau to be reasonable, and subject to applicable stipulations, must be allowed for operations proposed under the General Mining Law. Avoidance or exclusion zones have no effect on properly authorized operations under the General Mining Law. Definitions for avoidance and exclusions areas are included in the glossary and account for activities allowed by law.
- NGO-NMA-19: BLM is mandated to manage public lands for multiple use according to the Federal Land Policy and Management Act. Management Action D-VF 4.3 has been revised to include specific management actions that would be used to maintain old growth stands.
- NGO-NMA-20: Several factors went into the determination of Priority Wildlife Habitat Areas. As a starting point, and through cooperation with NDOW, the areas that are designated as Population Management Units (PMUs) for the candidate species Greater Sage-grouse were reviewed. Many of these areas are also inhabited by the threatened species Lahontan Cutthroat Trout (LCT). Of these areas, the ones considered to be the most crucial for protection due to presence of at-risk wildlife species habitat, are those proposed as Priority Wildlife habitat areas. The FEIS/RMP preferred alternative clarifies management of these areas to include use restrictions and permit stipulations applicable to certain minerals and rights-of-way proposals in order to protect these areas. Add See D – FW 1.2, D-SSS 1.2.1 and D-SSS1.2N.
- The vast majority of the areas were determined as described above, yet small adjustments were made based on other considerations such as land ownership, habitat fragmentation and areas already under special management or proposed as such (e.g. WSAs, ACECs), For ease in defining and describing the priority area boundaries, section lines were used as much as possible.
- Priority Wildlife Habitat areas will be revisited in the Final RMP/FEIS, along with realty avoidance and exclusion areas.

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potential impacts of mining activities are appropriately developed during project permitting in accordance with the BLM's 3809 regulations.

NGO-NMA-21

Management Action D-SSS 1.2.1 (RMP, p. 2-80) would place significant prohibitions on surface disturbance and human activity within a 1/4 mile of occupied sage grouse leks, regardless of consideration of potential mitigation measures. Such wholesale restrictions may result in an unlawful withdrawal of large areas of public land from other multiple uses. This Management Action does recognize that these restrictions may be modified based on certain findings. These provisions appear to allow for modification of the prohibitions if various parties "negotiate" mitigation measures that offset the anticipated impacts. This language is unclear, and could be interpreted to require a formal agreement between the BLM, NDOW and various undefined parties in order to implement such mitigation measures. It would be inappropriate for BLM to condition its management activities on the consent of such third parties. Consequently, the last sentence of the "modification" provision in Management Action D-SSS 1.2.1 should be redrafted to provide: "The prohibition may also be modified if the BLM, after consideration of input from the proponent, NDOW and other affected interests, determines that other mitigation will satisfactorily offset anticipated impacts on sage-grouse breeding activities or habitats

NGO-NMA-21:

Action D-SSS1.2.1 has been revised in the PRMP.

Visual Resource Management

A significant change reflected in the RMP from current management frameworks is the proposed classification and management of visual resources. The visual resource classification process classifies lands within the WDO into one of four Visual Resource Inventory Classes, representing the relative value of existing visual resources. These classes are designated VRI Class I through IV. Class I is the most protective class with an objective of preserving landscape character. Class IV is the least protective class with an objective of providing for management activities that require major modification of landscape character. (Table 3-23, p. 3-85). Within the WDO, Class I is reserved for wilderness study areas.

As a result of the 2009 Visual Resource Inventory, the distribution of subject lands between the four VRI classes is as follows (RMP p 3-83):

VRI Class	Total Acres	% of Acreage
I	416,652	6.7
II	273,642	4.4
III	1,517,278	8.3
IV	4,999,372	80.5

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As indicated, based on the most recent survey, over 80% of the land inventoried within the WDO is classified as VRI Class IV.

The RMP assigns Visual Resource Management (VRM) classes (VRM Class I through IV) to WDO lands to define management prescriptions relating to visual resources. The stated goal is to manage public land actions consistent with VRM Class objectives. These objectives and the corresponding management prescriptions are not stated in the RMP, consequently it is difficult to determine the project level consequences of varying VRM classes. While the Visual Resource Inventory process appears to be based on a systemic inventory process, the VRM classification appears much more subjective, with only a loose correlation with the corresponding VRI class. VRI Class III lands may be reclassified as VRM Class II. Similarly, VRI Class IV may be reclassified as VRM Class II or III.

The ultimate effect of these "adjustments" under the various RMP alternatives is indicated in the following table (from WDO RMP briefing, July 15, 2010).

VR M Cl a s s	% of Total Land Area			
	Alternat ive A	Alternat ive B	Alternat ive C	Alternat ive D
I	6	6	6	6
II	5	5	43	38
III	9	32	39	43
IV	80	57	12	13

The RMP fails to provide a sufficient basis for the substantial reclassification of the previously inventoried areas that would occur under Alternatives B, C and D. Consequently, the final RMP should adopt visual classifications that are consistent with the 2009 inventory, in accordance with Alternative A.

It is also difficult to reconcile the significant differences in the distribution of VRM classes between the four alternatives with a conclusion in the RMP that, "With respect to effects on mineral resources, all of the alternatives are essentially equivalent" (RMP p 4-479). In particular, the distribution of land between the VRM classes is very similar between Alternative C, the most protective alternative, and Alternative D, the preferred alternative. Both of those distributions vary significantly from Alternative A, which is apparently based on 2009 inventory.

The Visual Resources sections should be rewritten in the final RMP to more clearly identify VRM class objectives, related management actions and the rationale for VRM

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NGO-NMA-22: The VRM class objectives are outlined in Volume 2, Section 3.2.15, Table 3-23. VRM is provided in Table 2-1 VRM section. Management prescriptions are stated in Volume 5 Appendix B - Best Management Practices p. 15. The VRM objectives/classes provide the visual management standards for the planning, design and development of future projects and rehabilitation of existing projects (BLM Manual Handbook H-8400). Evaluating future management practices is accomplished through the Contrast Rating System (BLM Manual Handbook H-8431-1).

NGO-NMA-22

NGO-NMA-23

NGO-NMA-23: See response to NGO-NMA-22.

NGO-NMA-24

NGO-NMA-24: See response to NGO-NMA-22.

NGO-NMA-25

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NGO-NMA-25 Cont-d.	<p>↑ classifications. Given the lack of analysis in the RMP, The NvMA supports VRM classifications and associated management as stated for Alternative A.</p>	
NGO-NMA-26	<p><u>Mine Reclamation</u></p> <p>Management Action CA-MR 1.1 (RMP, p. 2-21), which would apply to all alternatives, requires interim reclamation for all mining facilities that remain unused for more than one year. Management Action B-MR 1.1 would allow for deferral of final reclamation for up to five years from the end of active mining where there is a reasonable prospect of future economic use of a mine site. Combined, these Management Actions support the long-term sustainable use of mining sites by protecting resources while avoiding unnecessary disturbance in areas that have a foreseeable prospect of future economic development. Management Action D-MR1.1 does not address the reclamation requirements that should apply where mining operations cease and future development of the site is foreseeable. For the final RMP, The NvMA supports a hybrid of Actions B-MR1.1 and D-MR 1.1. As Action D-MR 1.1 provides, plans of operations will include a reclamation plan for proposed mineral operations and site development. That prescription should be combined with the acknowledgement in Action B-MR 1.1 that, in the event operations are shut-down and there is a reasonable prospect of future economic activity within 5 years, the reclamation plan may provide for, or be amended to provide for, interim measures during this period. This will facilitate the future resumption of mineral activities while providing protection to potentially impacted resources. As the draft RMP concludes, in situations where additional mining is foreseeable, using interim reclamation measures that would facilitate reopening of the mine may have a beneficial effect on resources, such as water quality, by minimizing overall disturbance at the site (RMP, p. 4-97).</p>	<p>NGO-NMA-26: Action D-MR 1.1 has been revised in the PRMP. Also see SD-5.4.</p>
NGO-NMA-27	<p>Action D-MR 1.2 (RMP, p2-144) establishes a priority for the use of seeds and plant materials in mine reclamation. The prioritization is (1) Locally collected native seeds; (2) Native seeds; then (3) Introduced seed. The Association agrees that locally collected seeds are desirable; however, these seeds may not be available in sufficient volume for large scale reclamation projects. Further, in some cases it is ecologically appropriate to use introduced species and or a combination of introduced and native species to ensure 'rapid' establishment of desired plant communities on disturbed sites. Action D-MR-1.2 should be modified to read: <i>Where practicable and ecologically appropriate, priority for use of seed and plant materials.</i>."</p>	<p>NGO-NMA-27: The suggested rewording is adequately dealt with already in the sentence "Revegetate reclaimed area, using a variety of native and nonnative seed mixtures appropriate to a local ecological setting." See BLM Manual 1745 Introduction, Transplant, Augmentation, and Reestablishment of Fish, Wildlife, and Plants and Executive Orders 11987 and 13112.</p>
NGO-NMA-28	<p><u>Lands with Wilderness Characteristics</u></p> <p>Management Objective CA-WSA1 (RMP, p. 2-25), which would apply to all alternatives, should be revised to specify that the objective of maintaining wilderness characteristics and providing wilderness experiences is subject to preexisting rights, such as valid unpatented mining claims and millsites.</p>	<p>NGO-NMA-28: RMP recognizes valid existing rights- See Section 1.6 Constraints #6. For mineral activities authorized by the General Mining Law this is already accomplished by law, case law, and applying the regulations at 43 CFR 3802.</p>

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At Figure 2-80, the draft RMP identifies areas containing wilderness characteristics. Management Action D-WSA 2.1 suggests that the BLM will seek additional designations, such as ACECs for these areas, however, the BLM is apparently not proposing any such designations at this time. While the RMP (p. 4-656) states that none of the lands identified as having wilderness characteristics would be closed to locatable minerals, it is unclear whether the BLM anticipates that any such future ACEC designations would lead to further mineral withdrawals, or what types of restrictions may be placed on activities in these areas. As noted in the draft RMP, there are currently 13 wilderness study areas within the WDO, which are being managed to protect wilderness characteristics pending a determination by Congress on whether these areas should be formally designated as wilderness areas. Additional designations in the RMP that would restrict multiple-use management in the areas identified in Figure 2-80 are not appropriate. The Association supports Management Objective B-WSA 2 and Management Action B-WSA 2.1, which allow for the management of multiple uses in these areas. Those stipulations should replace Management Objective D-WSA 2 and Management Action D-WSA 2.1 in the final RMP. Such an adjustment to the Management Objectives and Actions would be consistent with the discussion at page 4-491, which provides that Alternative D would not create any additional restrictions on locatable mineral activities based on identified lands having wilderness characteristics. The Association further notes that the RMP's discussion of potential effects of minerals management on lands identified as having wilderness characteristics in Section 4.4.4 appears to contain several misstatements. For example, page 4-652 indicates that Alternative A would open the greatest acreage to locatable mineral activities, while page 4-653 suggests that Alternatives B would open the least amount of these areas to locatable minerals.

IV. OTHER MANAGEMENT ACTIONS

The draft RMP considers a number of additional Management Actions that, while not intended to regulate locatable mineral activities could have a substantial, indirect effect on mineral exploration and development operations. For example, the draft RMP would regulate "discretionary" public land uses in ways that may have unintended consequences for locatable mineral activities. This Section of the comments address these additional Management Actions contained in Alternative D that require some modification in the final RMP.

Avoidance and Exclusion Areas

Management Action D-VR 6.3 (RMP, p. 2-57) would substantially restrict "realty discretionary actions" in "avoidance areas" and "exclusion areas" apparently to protect sagebrush habitat. Similarly, Management Actions D-RE 1.2 and D-RE 1.3 (RMP, pp.

NGO-NMA-29: The Osgood Mountain Milkvetch ACEC is the only ACEC being considered for locatable mineral withdrawal. BLM would have to amend the LUP to in order to designate ACECs in the areas not addressed in this RMP. ACECs do not, in themselves, cause a mineral withdrawal. The RMP can set the stage for future withdrawals, the specifics of which are undefined at the time of writing the document. Those would have to go through the formal withdrawal process, and would also include review under a separate NEPA document. Should Congress act and designate an area Wilderness, that legislation most often includes a mineral withdrawal, which like any other withdrawal would be subject to valid existing rights.

NGO-NMA-30: Refer to response NGO-NMA-3.

NGO-NMA-31: The BLM Land Use Planning Handbook (H-1601-1) requires that an RMP consider the designation of Right-of-way avoidance or exclusion areas (areas to be avoided but may be available for location of right-of-ways with special stipulations and areas which are not available for location of right-of-ways under any conditions). The WDO RMP used priority habitat areas and population management unit boundaries containing important sage grouse habitat and other important wildlife habitats to determine avoidance and exclusion areas. Management criteria has been developed to allow some uses – See D – FW 1.2 and SSS 1.2.1.

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2-223 and 2-225) would place substantial restrictions on rights-of-way and leasing for renewable energy projects in designated avoidance and exclusion areas. Moreover, Management Actions D-LR 5.3 and D-LR 5.4 (RMP, p 2-250) would place additional broad restrictions on rights-of-way in these areas. The areas affected by the avoidance and exclusion designations are significant (+2.0 million acres for Alternative D or about 27% of the RMP decision area. Considering the potential impacts, the RMP does not present a comprehensive discussion of the basis for designating these exclusion areas and avoidance areas, or an adequate analysis of why substantial restrictions should be placed on activities in these areas prior to any site-specific analysis of the potential impacts of a particular project. These types of wholesale restrictions could have the undesirable effect of pushing discretionary public land use activities into other areas with unanticipated effects. Consequently, Management Actions D-VR 6.3, D-RE 1.2, D-RE 1.3, D-LR 5.3 and D-LR 5.4 should be replaced by Management Actions B-VR 6.3, A-RE 1.2, B-RE 1.3, A-LR 5.3 and B-LR 5.4 respectively in the final RMP to allow for case-by case evaluation of proposed actions to determine how best to manage and mitigate potential impacts to sage brush habitat.

The Association believes that the designation of exclusion areas is inappropriate and unnecessary. The NvMA supports Alternative B, which would designate avoidance areas that would be less restrictive and would allow discretionary actions subject to special stipulations on a case by case basis.

Tribal Consultation

NGO-NMA-32

The Management Actions for Tribal Consultation under all four alternatives analyzed in the draft RMP incorrectly suggest that the BLM would defer to unidentified Indian tribes to establish standards for managing resources that are important to Indian tribes (RMP, p. 2-18, 2-111), rather than the BLM using its own management expertise to make resource management decisions. These management actions are inappropriate for a number of reasons. First, Section 202(b) of FLPMA specifically details the proper role of tribes, states and other governmental entities in the land-use planning process. While the BLM is required to "coordinate" its planning efforts with these entities and give "consideration" to tribal land resource management programs and plans, the BLM has the ultimate obligation to make land-use planning decisions that comport with the multiple-use mandates established by FLPMA and other Federal law. The BLM may not delegate its obligation to manage resources on the public lands to other entities, whether it be Indian tribes or State representatives, by a broad deferral of management decisions. Additionally, these management actions fail to prescribe any parameters for delineating what resources are "important to Indian tribes." There are potentially a broad panalogy of resources that may have some cultural "importance" to tribal members, whether it be historic sites, water quality, air quality, wildlife, or plants. These same resources may have great importance to numerous other individuals and entities. The BLM cannot and should not defer to a single group in determining the appropriate management standards for these resources.

NGO-NMA-32: Under EO 13175 an Indian tribe is defined as follows: "[...]an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a." Therefore there are no "unidentified Indian tribes."

The EO 13175 also states: "[...]2) where possible, defer to Indian tribes to establish standards; and (3) in determining whether to establish Federal standards, consult with tribal officials as to the need for Federal standards and any alternatives that would limit the scope of Federal standards or otherwise preserve the prerogatives and authority of Indian tribes." This applies to formulating and implementing policies that may have effects on tribes.

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Consequently, Management Action TC2.3 should be removed from all of the alternatives. Management Action TC1.1 defines the proper role that tribal concerns should play in resource management decision-making within the planning area. Similarly, Management Action TC 2, which is applicable in some form under each alternative improperly suggests that "things" that Indian tribes identify as being "important" will take precedent over all other multiple use management decisions in the planning area. As noted above, such a prioritization would violate a number of laws governing the management of public lands. The BLM should certainly consider tribal interests in accordance with FLPMA, the National Historic Preservation Act and other statutes that provide for consideration and protection of tribal interests; however, none of those laws elevate tribal interests over other public interests to the extent suggested by Management Action TC 2. Consequently, this Management Action should either be deleted from the final RMP or modified to provide that tribal interests will be considered as part of the overall multiple-use decision-making process.

Lands and Realty

NGO-NMA-33

The draft RMP Management Goals for Lands and Realty (p. 2-6) unduly restrict the circumstances under which public lands in the planning area may be disposed or otherwise conveyed to private parties. For example, land exchanges can be a valuable resource management tool in a variety of circumstances. In Section 206 of FLPMA, Congress established a much broader public interest test for determining when tracts of public land may be disposed by a land exchange. The final RMP Management Goals related to land disposal should reflect these broader considerations as provided under Federal law. The inappropriate restrictions on criteria for land disposal are carried forward in the specific Management Objectives and Actions for lands and realty. For example, Management Objective D-LR 3 and Management Action D-LR 3.1 set forth restrictive criteria for land disposals. The final RMP should clarify that, in the case of land exchanges, the public interest test under Section 206 of FLPMA should govern the determination of whether to approve a proposed land exchange, and that the RMP land disposal designations and criteria would not apply to proposed land exchanges.

The RMP should include specific designation for disposal of land proximal to active and potential mineral development areas.

[Here we will provide proposals for additional acreage to be included in the RMP]

Sustainable Development

The RMP contains various actions relating to sustainable development. The NvMA supports the concepts of sustainable development and views post-mining land use as an important component of the mining life cycle. Alternative B would appear to address various issue associated with post-mining land use, including community

NGO-NMA-33:

Lands suitable for disposal have been identified in the FEIS/RMP. Disposals are governed by FLPMA Title II—Land Use Planning; Land Acquisition and Disposition.

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NGO-NMA-34

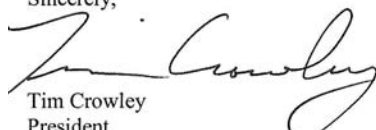
involvement, land tenure adjustments, access and preservation of the identification and preservation of facilities for re-use. The Association supports the sustainable development actions outlined as Alternative B. The NvMA believes that Action D-SD 1.1 g. (RMP, p. 2-264) should be reworded to state "Lands that are to be disposed of for reuse need not be previously designated as suitable for disposal if those lands are subsequently identified in a Plan of Operations."

NGO-NMA-34: The FEIS/RMP has removed Action D-SD 1.1 as the action is not consistent with BLM Land Use Planning policy or Planning Handbook H-1601-1, Appendix C, pg. 20.

CONCLUSION

The draft RMP evaluates an array of alternative management plans for the WDO. In order to best achieve the BLM's obligation to provide for a balance of multiple-uses while promoting domestic mineral production and avoiding unnecessary and undue degradation, The NvMA supports a final RMP that incorporates many aspects of the BLM's preferred alternative D with the various modifications suggested in these comments. If you have any questions concerning these comments, please contact me at 775-829-2121.

Sincerely,



Tim Crowley
President
The Nevada Mining Association

NGO-NNSCI

Comments

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4790 Caughlin Parkway, PMB 227
Reno, Nevada 89509

October 25, 2010

Bureau of Land Management
Winnemucca District
5100 E. Winnemucca Blvd.
Winnemucca, NV 89445
Attn: RMP Team

Re: Comments of the Northern Nevada Chapter of Safari Club International to the Winnemucca District Office Draft Resource Management Plan and Environmental Impact Statement

Dear RMP Team,

Please accept the below comments on behalf of the Northern Nevada Chapter of Safari Club International (Chapter). The Chapter is a 501.c.3 non-profit organization whose purpose is to preserve the rights of sportsmen and promote wildlife conservation. The Chapter is comprised of members from throughout northern Nevada and eastern California, many of which hunt, fish, visit and recreate within the Winnemucca District. The Chapter has a history of involvement in resource issues within the District, most recently in regards to the Calico Wild Horse Gather. As such, The Chapter and its members have a vested interest in the Draft Resource Management Plan and how the District is managed for future years. The Chapter has a record of supporting multiple uses on public lands, responsible development in appropriate locations, protection of critical wildlife habitat, adequate access for dispersed recreation and active management to encourage healthy, resilient ecosystems.

In general, the Chapter does not support Alternatives A, C1, and C2. Alternative A is based on outdated planning documents that do not sufficiently address current public land management challenges. Alternatives C1 and C2 are much too restrictive to adequately address major resource challenges, particularly in regards to fire and invasive weed species, and is not within the multiple use mandates. There are many portions of Alternative B that the Chapter supports, but in general Alternative D appears to be the best overall option in the Chapter's view. The below comments are more specific to what the Chapter does and does not support within the various alternative approaches.

Water Resources:

The Chapter supports Action D-WR 1.3; however, all standards, BMPs, etc should be developed or amended to be site specific in order to maximize effectiveness.

The Chapter adamantly opposes the Action B-WR 2.1. Water distribution shall comply with State water law. Water importation and exportation shall stay with the defined ground water basin.

NGO-NNSCI-1: Comment noted.

NGO-NNSCI-2: Land health standards are generally broadly applied, however BMPs and mitigations measures are project specific to help meet those land health standards.

NGO-NNSCI-3: The BLM adheres to United States Code: Title 43 USC 666, also known as the McCarran amendment, which requires that federal entities waive sovereign immunity and comply with state water law. If water law conflicts with management objectives and actions, the BLM will defer to state law and seek to use the most effective alternative means to manage the health of the land and its multiple uses.

NV state water law allows for water importation and exportation based on water budget, county involvement, and State Engineer approval. D-WR 2.1 references mitigation measures which, as with other economic ventures, would be provided by the proponent. Each case will be evaluated to determine appropriate mitigation which could include resource damage monitoring.

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NNSCI-3
Cont-d.

The Chapter is not generally supportive of water export or import project. In terms of Action D-WR 2.1 the project proponent for any export or import should be required to monitor for resource damage to public lands and required to mitigate any negative impacts. The Chapter is very supportive of Action D-WR 2.2. These projects should be developed in cooperation and coordination with authorized public land users and interests such as grazing permittees, and the Nevada Department of Wildlife in order to maximize locations for multiple benefits.

Vegetation – Woodland/Forest Products:

NGO-
NNSCI-4

The Chapter supports Action D-VF 1.1 and D-VF 1.3, but is very skeptical about the use of fire in Action D-VF 1.2. The Chapter suggests the inclusion of language that requires only cool-season burns when chance of fire spread is absolutely minimized.

The Chapter supports Objectives D-VF 2 and D-VF 3 assuming that “Maintenance” of woodlands means active maintenance and not passive maintenance.

The Chapter is very supportive of Action D-VF 3.4, particularly to restore and protect critical sagebrush habitat for deer and sage-grouse.

NGO-NNSCI-4: BLM implements prescribed fire subject to burn plans which consider weather and fuel conditions for burning, risk, and contingency planning.

NGO-
NNSCI-5

In regard to Actions D-VF 4.1 and 4.2, the designation of old growth forest should be based largely on soil surveys and ecological site descriptions rather than a subjective process.

Vegetation – Weeds:

The Chapter strongly supports the stated Goal, Objective D-VW 1 and Action D-VW.1.1 to utilize an integrated approach to weed management and promotion of ecosystem resilience. The Chapter is adamantly opposed to Action C-VW.1.1 that does not allow for use of chemical treatments. Recent scientific findings suggest that chemical treatments can be extremely effective at promoting ecosystem resilience. The District **must utilize ALL available means** to prevent and minimize the spread of invasive vegetation.

NGO-NNSCI-5: Management of old growth forests has been revised to reflect characteristics of old growth stands and specifics in managing white bark pine stands. See D-VF 4.2 and CA SSS 4N.

NGO-
NNSCI-6

The Chapter strongly supports Action D-VW.1.2.2. The Chapter believes in collaborative processes to address major resource challenges. That being said, NGOs and Partnership Programs should be included in the list of entities to include in such processes. In particular, the Chapter supports utilizing the strengths of groups like the Wildlife Conservation Group, the Nevada Partners for Conservation and Development and various sportsmen and wildlife conservation groups such as this Chapter, Nevada Muleys, Nevada Chukar Foundation, etc.

NGO-NNSCI-6: Action D-VW 1.1 proposes use of integrated vegetation treatment management to control invasive and noxious plants.

NGO-
NNSCI-7

The Chapter strongly supports the inclusion of Objective D-VW.2 and Action D-VW.2.1. Invasion of undesirable annual grasses is one of the biggest threats to wildlife habitat and

NGO-NNSCI-7: Action D-VW 1.2.2 identifies working with other partners to monitor, control and eradicate invasive and noxious plants.

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ecological resilience, and all tools should be made available to deal with this problem. The Chapter is highly supportive of use of chemical treatments, prescriptive grazing, use of adaptive species, etc. to combat invasive undesirable annual vegetation.

Vegetation – Rangeland:

NGO-
NNSCI-8

The Chapter is generally supportive of the stated Goal, however, **resilience** of vegetative communities should be stated in the goal. The threat of fire and weeds within the district demands resilient ecosystems.

NGO-NNSCI-8: Resilience of vegetative communities is stated in Objective VR 1.

NGO-
NNSCI-9

The Chapter is very supportive of Objective D-VR 1, Action D-VR 1.1 and 1.2. However, the Chapter is very concerned about the emphasis on use of prescribed and wild fire. The Chapter would prefer the use of other vegetation manipulations such as mechanical and chemical over the use of fire which is much more risky.

NGO-NNSCI-9-Action VR 1.2 includes mechanical and chemical treatments to restore or improve rangelands.

NGO-
NNSCI-10

The Chapter suggests addition of a new Action D-VR 1.3 that would emphasize cooperation between the BLM and State agencies such as NDOW and NDF, conservation and wildlife NGOs, and partnerships to pool limited resources in order to maximize active management projects. Other western states, such as Utah, have been able to greatly increase restoration projects through such partnerships.

NGO-NNSCI-10: Coordination and cooperation is provided throughout the RMP.

The Chapter is very supportive of Action D-VR 1.2.1 to utilize livestock in order to reduce fuel loads created by annual invasive species, provided it does not conflict with wildlife objectives. The Chapter would encourage the use of this approach to protect desirable habitat areas that are surrounded and threatened by fire from adjacent areas dominated by invasive vegetation.

NGO-
NNSCI-11

The Chapter has concern in regards to Action D-VR 1.3. While the Chapter supports re-establishment of native vegetation it is almost always difficult to do in the face of invasive weed species. Therefore seed mixes should be determined on a case-by-case basis and introduced species, proven to be competitive with invasive weeds, emphasized in areas where there is a high probability of establishment of undesirable/invasive weeds. The Chapter would also recommend the use of soil bio-assays to determine the condition of the existing seed bank when developing a seed mix. The Chapter also suggests that the BLM cooperate with the Agricultural Research Service, and/or utilize the best science, in order to identify and use the most desirable introduced species to prevent establishment of invasive species until native plants can become established.

NGO-NNSCI-11: The BLM has developed a range of alternatives - VR 4.1 See BLM Manual 1745 Introduction, Transplant, Augmentation, and Reestablishment of Fish, Wildlife, and Plants and Executive Orders 11987 and 13112. Use of ecological site descriptions or state and transition models were added to the soils section D-S-1.

NGO-
NNSCI-12

The Chapter is generally supportive of Objective D-VR 3. However, an action item should be added to emphasize the need for seeding burned areas as soon as possible following wildfires. Restoration priorities should also be stated, for example, restoration in Priority 1 wildlife habitat should be emphasized as well as restoration in areas at higher risk for establishment of invasive weeds.

NGO-NNSCI-12: Time frames for seeding burned areas are defined in the ES&R Handbook #H-1742-1. Emergency stabilization actions must be taken within 1 year following containment of the fire. The handbook also prioritizes treatment areas to include unique biological resources.

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NGO-
NNSCI-13

The Chapter is very supportive of Action D-VR 4.2; however, the first priority should be on maintaining healthy habitats, then restoration of burned habitat, and finally treatment of monocultures. Once again, the Chapter encourages the use of the best available science and working with a suite of partners to accomplish this action.

The Chapter is fully supportive of Objective D-VR 5 and associated actions.

NGO-
NNSCI-14

The Chapter is fully supportive of Objectives D-VR 6 and 7 as well as associated actions; however, the Chapter suggests that this Objective be given a higher priority. In the Chapter's view, this should be a higher priority than restoring cheatgrass monocultures.

Fish and Wildlife:

NGO-
NNSCI-15

The Chapter is in full support of the described fish and wildlife goal, Objective D-FW 1, and associated actions. However, in addition to the areas listed under Action D-FW 1.1 the Chapter would urge the inclusion of the Pine Forest Range, and Granite Range including all areas north to and including Fox Mountain as Priority 1 Wildlife Habitat. These areas include highly productive wildlife habitat, especially for key game species such as mule deer, pronghorn antelope, bighorn sheep and sage-grouse. These areas are also highly popular with sportsmen and non-consumptive recreational users.

The Chapter is in full support of excluding new rights-of-way within Priority 1 areas, particularly in regards to renewable energy development. The Chapter does not oppose responsible energy development, but these areas are not suitable to such activities based on the rich wildlife diversity and popularity for recreational pursuits.

The Chapter adamantly opposes Action B-FW1.1.

The Chapter is in full support of Objectives D-FW 2, - 11 and all associated actions.

The Chapter is highly supportive of Action D-FW6.1, the development of wildlife water guzzlers to expand or mitigate wildlife population areas.

The Chapter is highly supportive of Actions D-FW 2.1 and 2.2 assuming this includes both the Statewide Wildlife Action Plan and Sage-grouse Conservation Plan. Another action should be added to encourage partnerships with NDOW, conservation and sportsmen groups to implement actions and projects identified within HMPs.

NGO-
NNSCI-16

NGO-NNSCI-13: The Vegetation Rangeland goal includes protection, maintaining, and improving healthy vegetative communities. Site specific restoration objectives are developed on a case-by-case basis in accordance with the ES&R handbook. #H-1742-1.

NGO-NNSCI-14: Objectives VR-r 6 and VR-7 are not listed in any order of priority.

NGO-NNSCI-15: Several factors went into the determination of Priority Wildlife Habitat Areas. As a starting point, and through cooperation with NDOW, the areas that are designated as Population Management Units (PMUs) for the candidate species Greater Sage-grouse were reviewed. Many of these areas are also inhabited by the threatened species Lahontan Cutthroat Trout (LCT). Of these areas, the ones considered to be the most crucial for protection due to presence of at-risk wildlife species habitat, are those proposed as Priority Wildlife habitat areas. The FEIS/RMP preferred alternative clarifies management of these areas to include use restrictions and permit stipulations applicable to certain minerals and rights-of-way proposals in order to protect these areas. Add See D – FW 1.2, D-SSS 1.2.1 and D-SSS1.2N.

The vast majority of the areas were determined as described above, yet small adjustments were made based on other considerations such as land ownership, habitat fragmentation and areas already under special management or proposed as such (e.g. WSAs, ACECs), For ease in defining and describing the priority area boundaries, section lines were used as much as possible.

NGO-NNSCI-16: See response NGO-NNSCI-7.

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Special Status Species:

The Chapter is very supportive of the stated Goal for Special Status Species as well as Objective D-SSS 1. The Chapter encourages closed coordination and consultation with NDOW and WAFWA Standards and Guidelines on a project specific basis.

The Chapter supports the addition of a management action to implement habitat restoration for Sage-grouse identified within local PMU plans in collaboration with NDOW and other partners.

Wild Horses and Burros:

The Chapter is extremely supportive of the state Goal for Wild Horse and Burros as stated, particularly in regards to staying within AML and maintaining a “thriving natural ecological balance”.

NGO-
NNSCI-17

The Chapter is supportive of Objective D-WHB 1; however, we strongly encourage the phrase “in a thriving ecological balance” at the end.

NGO-NNSCI-17: TNEB is included in Objective D-WHB-1.

NGO-
NNSCI-18

The Chapter is in strong support of Action D-WHB 1.1, provided that those areas contain the resources necessary to support herds without incurring resource damage.

The Chapter is very supportive of Action D-WHB 1.7, but does not support the minimum 4-year gather cycle. Gathers should be conducted anytime the upper end of AML is exceeded as the upper end of AML is set where resource damage occurs.

NGO-NNSCI-18: Action D-WHB 1.7 has been changed to D-WHB 5.3. Fertility control agencies have been clarified. Gather cycles are defined into the WHB handbook – H4700-1 and considers population growth from a lower AML to an upper AML, over a 4-5 year period.

NGO-
NNSCI-19

The Chapter is supportive of adjusting AML as proposed in Action D-WHB 1.8, so long as range health standards can be achieved and maintained.

The Chapter strongly suggests the addition of additional action items to allow for skewed sex ratios and establishment of non-reproductive herds within identified HAs and HMAs so that the RMP reflects all possible tools to maintain sustainable herds and limit the need for gathers. An action should also be included to require the use of the most current and effective herd inventory methods rather than direct counts.

NGO-NNSCI-19: Non reproducing herds are addressed at D-WHB 5.4.

NGO-
NNSCI-20

All of the above stated actions only work if AML is achieved. The Chapter strongly supports continuing an aggressive gather schedule to achieve AML in all HAs and HMAs within the District.

The Chapter is adamantly opposed to Action D-WHB 3.2 as currently written. The Chapter does not support acquisition of water rights by the Federal Government for horses if it does not comply with State Law.

NGO-NNSCI-20: The State Engineer may no longer grant permits to the BLM for the beneficial use of stock water. This does not necessarily negate permits granted before this decision was made. Additionally, the State Engineer has ruled that wild horses are acceptable as a beneficial use under the umbrella of wildlife, Division of Water Resources ruling #5489. See also response NGO-NNSCI-3.

NGO-NNSCI

Comments

Responses



4790 Caughlin Parkway, PMB 227
Reno, Nevada 89509

Wildland Fire Ecology Management:NGO-
NNSCI-21

Fire suppression, pre-suppression and fuels management issues are described in several portions of this document. These points are not reiterated in this section. As an example, an Objective and appropriate actions should be added to identify the suppression priority including that of Priority 1 and 2 wildlife habitat areas. In general this section seems inadequate in terms of identified objectives and management actions.

NGO-NNSCI-21: Objective CA-WFM 1 and associated management actions identifies suppression priorities which include priority habitat areas.

NGO-
NNSCI-22

Objective D-WFM 2 should be expanded to include Priority 1 wildlife habitats.

NGO-NNSCI-22: See response to NGO-NNSCI-21.

NGO-
NNSCI-23

As is referenced in the Executive Summary, fire suppression costs are increasing. The best method to reduce fire suppression costs is to keep fires small by managing incident response, potential fire environment and fuels.

NGO-NNSCI-23: Comment noted.

NGO-
NNSCI-24

The Chapter strongly supports efforts in federal/state/local government/private initiatives in fire suppression and pre-suppression efforts. Continued support of these efforts and the components (training, red carding, equipping) should be referenced in the alternatives.

NGO-NNSCI-24: Action CA 3.3 includes interagency and other partnerships to manage fuels.

NGO-
NNSCI-25

It is difficult to address which alternative/objective to support as there is a significant need for more information and variation in alternatives. In several alternatives and objectives there is considerable reference to the reduction of man-caused fire risk as access is limited. As the fire risk from lightning is far greater than man caused risk, research into how reducing access may result in delays in suppression activities on lightning caused fires is necessary. The benefits of utilizing access roads as fuel breaks for various suppression activities in a continuous fuel bed must also be addressed.

NGO-NNSCI-25: Access roads with respect to fuelbreaks are addressed in Appendix B-Fuels Management BMPs/SOPs, Number 8.

NGO-
NNSCI-26

Livestock grazing alternatives do not specifically address fire fuels management, unless that is in the grazing standards referenced. Areas selected for restricted grazing or closed to grazing should include an exemption if grazing for fire fuels management is indicated.

NGO-NNSCI-26: BLM has developed a range of alternatives. LG 1.2 allows for prescriptive livestock grazing in alternatives A, B, and D.

Recreation, Visitor Outreach and Services:NGO-
NNSCI-27

The Chapter is generally supportive of the stated Goals, Objectives and Actions of this section. That is based on the assumption that no existing roads or trails would be closed as a result of adopting this plan. We strongly oppose any closure of existing roads and trails without extensive public involvement, input, and support. The final document needs to include a specific definition of "Limited Access" rather than a reference to another document or policy. Should that definition change, the parameters of this entire section would change. The Chapter would like to be involved with the Transportation Management Planning process.

NGO-NNSCI-27: This will be further addressed & brought forward in the subsequent Transportation & Travel Management Planning process-es, which would include public outreach.

The Chapter strongly supports Action Item D-R2.1.1 and D-R3; providing the public and the youth with a better understanding of our area's natural resources is important.

NGO-NNSCI

Comments

Responses



4790 Caughlin Parkway, PMB 227
Reno, Nevada 89509

Renewable Energy:NGO-
NNSCI-28

The Chapter supports the Renewable Energy Goal and Objective D-RE 1; however, we would strongly recommend the addition of language that requires the BLM and renewable energy project proponents to consult with local stakeholders and the County to identify and address any concerns prior to submittal of a plan of development.

NGO-NNSCI-28: All Renewable Energy Plans of Developments are required to be reviewed under NEPA. This process is a public process. Local governments may be invited to be Cooperating Agencies in the NEPA process.

NGO-
NNSCI-29

The Chapter strongly supports the concept of avoidance and exclusion areas as described in Actions D-RE 1.2 and 3. However, the Chapter would urge the inclusion of the Pine Forest Range, and Granite Range including all areas north to and including Fox Mountain as exclusion areas rather than avoidance areas. These areas include highly productive wildlife habitat, especially for key game species such as mule deer, pronghorn antelope, bighorn sheep and sage-grouse. These areas are also highly popular with sportsmen and non-consumptive recreational users.

NGO-NNSCI-29: The Granite Range is designated as an Exclusion area under Alternative D. Please refer to Figure 2-62. The Fox Range and the Pine Forest Range are WSAs which in accordance with the Interim Management policy there are Excluded from rights of way and discretionary actions.

Transportation and Travel Management:

The Chapter is supportive of the stated Transportation and Travel Management Goal.

NGO-
NNSCI-30

The Chapter is generally supportive of Objective D-TA 1 and associated actions. The Chapter does have concern with action D-TA 1.4. This action should be taken only after consultation with NDOW to ensure that seasonal or temporary closures do not limit access to public lands during hunting seasons.

NGO-NNSCI-30: See Section FW 1 and D-FW 1.2 which includes coordination with NDOW with respect to seasonal closures.

The Chapter is very supportive of Objective D-TA 2 and Action D-TA 2.1.

NGO-
NNSCI-31

The Chapter is extremely concerned with Objective D-TA 4 and associated actions. The Chapter is not opposed to the principal of these items, but we will not support the closure or re-routing of any existing roads without extensive public participation and input. The Chapter's understanding was that these actions would be identified through a Transportation Planning Process that would include extensive public involvement. If that is in fact the case, it should be clearly indicated within Objective D-TA4.

NGO-NNSCI-31: See response to NGO-NNSCI-27.

Areas of Critical Environmental Concern:NGO-
NNSCI-32

The Chapter is not opposed to the proposed ACECs in general. However, in terms of the Pine Forest ACEC, the Chapter urges the incorporation of the boundary adjustments and management stipulations developed by the local Pine Forest / Alder Creek WSA Working Group as adopted by the Humboldt County Commission.

NGO-NNSCI-32: The ACEC boundary was the boundary defined in the ACEC nomination submitted by the Nevada Department of Wildlife.

NGO-NNSCI

Comments

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4790 Caughlin Parkway, PMB 227
Reno, Nevada 89509

Wilderness Study Areas and Lands with Wilderness Characteristics:

The Chapter is fully supportive of the Wilderness Characteristic Designations in Pershing County ASSUMING that these areas accurately reflect the input of the local working group that was formed during the County Lands Bill Process.

The Chapter is fully supportive of designating the Granite Range and Fox / Buckhorn Mountain as Priority 1 wildlife habitat. The Chapter is of the opinion this is adequate protection for these areas, and therefore does NOT support the classification of these areas as wilderness or identified as areas with wilderness characteristics. There are too many restrictions that come with potential wilderness designations given the potential need for proactive habitat management, fire suppression, pre-suppression and restoration in these areas. Also, assuming that a travel management plan is developed for these areas there is not a concern with cross-country travel. Wilderness designations have the potential to greatly reduce access to a highly desired recreation areas, and seems to be in conflict with the Special Recreational Area Designation. For these reasons the Chapter does not support identifying these areas under the Wilderness Characteristic Designation.

Summary:

The Chapter appreciates the opportunity to comment on this important document. Please feel free to contact Chapter President Jeremy Drew with any questions or need for clarification at (775) 843-9109 or by email at jdrew@nnsai.com.

Respectfully Submitted,

Jeremy Drew, President
Northern Nevada Chapter of Safari Club International

NGO-NNSCI-33: Priority wildlife habitat areas have been revised in the FEIS/RMP. See D-FW 1.2.

NGO-
NNSCI-33

NGO-OAAC	Comments	Responses
NGO-OAAC -1	<p>Comment for the Draft Resource Management Plan (RMP) and Draft Environmental Impact Statement (EIS) replacement of the "The RMP will replace two outdated Management Framework Plans (MFPs) approved in 1982 and amended in 1999"</p>	<p>NGO-OAAC-1: A comprehensive Transportation and Travel Management Plan will address these concerns after the ROD for the RMP is signed. The Transportation and Travel Management Plan will be determined with full public participation and input.</p>
	<p>My concerns are that of "what needs to be updated? Updating needs to include the recreation of The People by means of motorized and non-motorized recreation. Recreation shall be accessible 365 days a year for families to enjoy. Trails shall be implemented to accept motorized and non-motorized recreation. Volunteers shall have the ability to perform many task as needed for the area of 8,448,130 acres responsibly for trails and the needs of those whom will recreate there.</p>	
	<p>Once approved, the RMP will guide the management of federally approved activities on approximately 8.4 million acres of BLM-administered public lands and minerals in all of Humboldt and Pershing Counties, and portions of Washoe, Churchill and Lyon Counties.</p> <p>Confirmed studies private and federally shall be performed to confirm the needs set forth by BLM.</p>	
	<p>The BLM developed the alternatives described in the RMP with input from other federal agencies, tribal, state and local governments, the Resource Advisory Council and the general public.</p>	
	<p>The Winnemucca District (WD) is currently evaluating various management alternatives for the 8,448,130 acres of federally owned lands (let it be known that "federally owned lands are that of The People of the United States of America") that lie within the WD's jurisdiction. The selected management alternatives will form a planning document titled the Winnemucca District Office Resource Management Plan (RMP). The RMP is being developed in order to update and replace the existing Sonoma-Gerlach and Paradise-Denio Management Framework Plans (1982) (amended 1999). For more information why the RMP is being developed.</p>	
<p>Comment:</p> <p>The area of 8,448,130 acres is of great concern and ample time needs to be given in order to make an educated decision. The People require the same amount of time for making responses as the government spends on the time they have done with this.</p> <p>Areas that are commented as "Federal Land" are truly that of the American People.</p>		

NGO-OAAC

Comments

Responses

The area here mentioned shall remain accessible to the American People for recreational use and enjoyment.

Robert Brooks
P. O. Box 5923
Ocala, Fla. 34478
352-207-3102

Founder www.OuachitaATVAdventureClub.org

Working to protect Land Rights Use for Responsible Recreation

Check out Blog and Follow with us <http://hittintrails.blogspot.com/>

OHVCCTread Lightly!Trail Trainer!

NOHVCCASI CERTIFIED

Blue Ribbon CoalitionUSFS Chain Saw Cert.

ARRAFormer Paramedic

Recreational Incident Command

ATV Trail Ambassador/Trail Advocate/Trail Consultant

American Land Rights Association

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NGO-Pershing County NRAC

Comments

Responses

October 19, 2010

RECEIVED BLM
WINNEMUCCA NV
2010 OCT 21 PM 2:40

Gene Seidlitz
Bob Edwards
Bureau of Land Management
Winnemucca Field Office
5100 E. Winnemucca Blvd.
Winnemucca, NV 89445

Dear Gene and Bob:

On behalf of the Pershing County Natural Resource Advisory Committee (PCNRAC), I would like to address the issue of the proposed closing of John and Jhona Bell's East Rye Patch allotment. I know that they are writing you a letter on their own behalf and I've read the draft of that letter, and agree on the options they have presented. We are in support of the Bell's and their ranching operation on federally managed lands for the following reasons:

1. The Bells have private property rights on BLM land which are protected by the Constitution of the United States and Nevada. All members of the PCNRAC have sworn an oath to protect the Constitution of the United States and the State of Nevada. The Constitution protects life, liberty and property. The property in which the Bell's own is in the form of vested water rights which they have recently filed claims on. They also have Right of Ways (ROW) which are protected by the Act of 1866 and 1870. These ROW's include RS2477, RS2339, and RS2340. The passage of the Taylor Grazing Act (TGA) and Federal Land Policy Management Act (FLPMA) both acknowledge the existence of pre-existing rights and recognize they are to be protected. Title VII of FLPMA states in Sec. 701.(h) All actions by the Secretary concerned under this Act shall be subject to valid existing rights. The Bells have valid existing rights that the BLM must acknowledge water rights and ROW's. The fifth amendment of the Constitution requires just compensation when the government takes property from individuals for the public use. Please see Presidential Executive Order 12630 attachment A.
2. State law dictates that Nevada is an open range state and provides a remedy for private property owners in an open range state through exclusion by fencing. NRS 569.431 presents "Legal Fence" defined. NRS 569.440 is the recourse for the property owners after they have constructed a "Legal Fence". The BLM should not be drawn into the issues of Nevada State law as noted in FLPMA Title VII (g) (6) as a limitation upon any state criminal statute or upon the police power of the respective states...

The relationship between the Bell's and the land owner is governed by State law.

3. The Taylor Grazing Act was enacted to make the ranching industry and local economics sustainable. Closing allotments or reducing AUM's where the monitoring does not establish a need to do so goes against Federal Law, or at the very least is not the spirit of law. The BLM is mandated to manage these lands from a multiple use sustained yield standpoint (as you pointed out in our meeting on September 8, 2010 this is also an Act of Congress).

NGO-Pershing County NRAC-1:

Specific allotment AUM allocation decisions are addressed at the site specific or allotment level. see D-LG 1.3.

NGO-
Pershing
County
NRAC-1

NGO-Pershing County NRAC

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Page2
East Rye Patch Allotment RMP
John and Jhona Bell

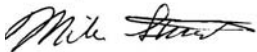
Our local economy relies on ranching to be sustainable. Without the ranching industry Lovelock and Winnemucca would have significant downturn and many businesses would fail. We do not need any reductions in AUM's. On the contrary, more AUM's are needed to promote a strong economy.

4. Reducing AUM's or closing a portion of the East Rye Patch allotment will create a fire hazard. In the past 12 years Nevada has burned over one million acres of range per year. Many of these fires have started as a result from man, such as those fires that are a result of cigarettes being thrown out windows along Interstate 80. Cattle grazing are a tool to reduce hazardous build ups of fire fuels. It is our recommendation that the Bells are given Temporary Non Renewable or a ten percent increase in AUM's are management options which have not been explored or addressed in the RMP. They are valid options and should be addressed.

In conclusion, it is our duty to coordinate with Winnemucca BLM on any decisions that may be made in Pershing County which could have an adverse impact. Also, I know that any reduction on AUM's will go against our Pershing County Natural Resource Plan which is in the process of being enacted. Any inconsistencies between Pershing County's plan and the Winnemucca RMP must be addressed according to FLPMA and CFR 43 1610.3-1 coordination of planning efforts. 1610.3-2 Consistency requirements. (a)

If our committee can be of any help to Winnemucca BLM to make the correct decision please let us know ahead of time so that we can put it on the upcoming agenda. Thank you for your time and we look forward to your decision.

Sincerely,



Mike Stremmer, Chairman
Pershing County Natural Resource Advisory Committee

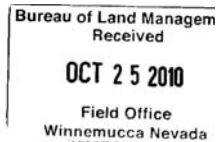
NGO-Pershing County NRAC-2: Specific allotment AUM allocation decisions are addressed at the site specific or allotment level. TNR is a discretionary management action that may be authorized if forage is temporarily available and SRH and short term monitoring criteria have been met. The decision to authorize TNR grazing is made at implementation level and on a case by case basis. Refer to LG 1.11. A range of closure options was presented in LG 1.3. The FEIS/RMP reflects areas closed to livestock grazing based on public comments received on the Draft RMP/DEIS, reviews by cooperating agencies, compliance with BLM regulations and policy, and district management and staff review.

NGO-Pershing County NRAC-3: Specific allotment AUM allocation decisions are addressed at the site specific or allotment level. Grazing must conform with 43 CFR 4180, and if livestock are determined to be a causal factor for nonattainment of standards, then a reduction in AUMs may be necessary to achieve the Standards for Rangeland Health. Adjustments in livestock and forage allocation would be implemented based on monitoring data or site-specific resource evaluations. See Management Actions LG 1.3.1. Closure of allotments near Rye Patch are not proposed in the PRMP, See LG 1.2 BLM is required to ensure RMPs developed under FLPMA are consistent with state and local land use plans only if consistent with Federal Law.

NGO-Pershing County NRAC

Comments

Responses



Bob Edwards
Robert_Edwards@BLM.gov
 WDO RMP Comments

RE: Comments for WDO RMP

I am writing you to express my concerns that we have with the BLM RMP. We are directly opposed to the closing of the eastside of the Rye Patch Allotment because of a lack of understanding of Nevada Open Range Law. The Humboldt River Ranch Homeowner's Association has made several claims that are not supported by the law of the State of Nevada. We would urge you to leave the Allotment with its AUM's and grazing rights intact. We have additional concerns because it would interfere with the vested water rights of the Bell's. This should not occur.

There is a proposal in alternative C option 2 which closes all grazing in the Winnemucca district. We have concerns that the opposite has not been considered (i.e. There is no option for more grazing or an increase in AUM's). We are concerned that the initial scoping process failed to consider all sides of the issue. The preference seems to be shut down grazing as much as possible. That preference is gravely mistaken. Congress has passed Acts which include the Taylor Grazing Act, Federal Land Policy Management Act and the Range Improvement Act which mandated the BLM to bring stability to the livestock industry and improve the public rangeland through range improvement projects which include water developments and seedings which improve the productivity of the rangeland. These Acts are also meant to improve habitat for wildlife. Nevada's rangelands are being burnt instead of grazed. We had more wildlife when we had more sheep and cattle.

An additional concern that we have is that riparian issues in the proposals do not take into consideration downstream water right holders. If the BLM wants to grow willows and aspens which consume water that belongs to downstream users, there must be coordination between the BLM and that water right holder. The same would be true for a minimum pool requirement on reservoirs. Executive Order 12630 mandates all federal agencies to do a Takings assessment before implanting a rule or regulation. The water rights are governed by state law. Interference with these rights may constitute a taking under the Constitution. Has this been scoped through the takings analysis that is required by executive order. All actions taken by the Winnemucca BLM that includes water must be in compliance with Nevada State water law. There is no declared beneficial use of water for free roaming wild horses and burros.

There should be an expansion of recreation opportunities, not a limitation of them. The expansion of wilderness areas limits opportunities to the handicapped, overweight, and older citizens. Furthermore, the only way the rural areas can be appreciated is by seeing them and

NGO-Pershing County NRAC-1: See response to NGO-Pershing County NRAC-1.

NGO-Pershing County NRAC-2: The State Engineer may no longer grant permits to the BLM for the beneficial use of stock water. This does not necessarily negate permits granted before this decision was made. Additionally, the State Engineer has ruled that wild horses are acceptable as a beneficial use under the umbrella of wildlife, Division of Water Resources ruling #5489. The BLM adheres to United States Code: Title 43 USC 666, also known as the McCarran amendment, which requires that federal entities waive sovereign immunity and comply with state water law. If water law conflicts with management objectives and actions, the BLM will defer to state law and seek to use the most effective alternative means to manage the health of the land and its multiple uses.

NGO-Pershing
 County NRAC-
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NGO-Pershing
 County NRAC-
 2

NGO-Pershing County NRAC

Comments

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experiencing them. The expansion of wilderness areas limits the ability of common citizens to see and experience the beauty of Pershing County while doing little to protect the area.

There should be an option in this RMP for a commercial logging or reduction on Pinion/Juniper that has a positive effect on the local economy. There are numerous areas that could be opened to limited logging in the ranges of Eastern Pershing County. Furthermore, there should be no curtailment of private firewood and Christmas tree cutting. Such activities have been a cultural heritage of the citizens and residents of the County for many years. Because these activities are an essential tradition in the Stillwater mountains and they should be continued and expanded.

Any new law enforcement authority would be subject to the Sheriff's approval and subject to Title VII of FLPMA. The plan seems to contemplate authorization of more BLM law enforcement authority. Law enforcement authority should be reserved to the dedicated state law enforcement who have primary jurisdiction in the State of Nevada.

Wild horses should be kept at low AML and the 1971 Wild Horse and Burro Act should be followed. We are a nation of laws not emotions. The Act includes the language of "Thriving ecological balance" as well as options to euthanize excess horses. The fact is that the curtailment of roundups and the expansion of the population will cause and reek significant havoc on the cultural and natural resources of the County and will create problems for existing economic endeavors.

The WDO RMP addresses the split estate concerning surface and mineral but does not address the bundle of rights such as water rights, right of ways for travel (RS2477) and right of ways for water (RS2339, RS2340). It should be amended to reflect and acknowledge these types of rights that are recognized as being protected under the United States Constitution. Furthermore, Nevada has jurisdiction over the wildlife, not the BLM. Let NDOW decide on wildlife issues. Don't try to require the use of the Rancher's livestock wells to water the wild horses and burros.

In the Pershing County resource plan we have addressed valid existing rights which includes the above mentioned right of ways. In title VII of FLPMA part h states that this act is subject to these valid existing rights. Pershing County would like to actively coordinate with WDO all in consistencies between Pershing Counties plan and WDO, which there are many.

Sincerely,



*Mike Stember
Chairman, Natural Resource Advisory Com.*

NGO-Pershing County NRAC-3: Alternative B (Action B-VF 3.5) allows for commercial harvest of woodland products. The traditional values of Christmas Tree cutting have been taken into account in the development of these alternatives. Currently Christmas tree cutting is allowed in most of the Stillwater Range. Under all alternatives, except C, Christmas Tree cutting would be allowed. Some overharvested areas have been and would continue to be closed under some alternatives in order to allow regrowth. Additional restrictions on pinyon cutting and other woodland products have been recommended under some alternatives to protect Native American values.

NGO-Pershing County NRAC-4: BLM is required to comply with the requirements of FLPMA. BLM does have jurisdiction to manage wildlife habitat on public lands administered by BLM.

NGO-Pershing County NRAC-5: Valid rights of way are legally protected, assuming they are an established, valid existing right. Grazing is regulated by the Taylor Grazing Act and FLPMA, which is a privilege, not a right. Grazing is a privilege as defined by Taylor Grazing Act 315b and CFR 43 CFR 4130.2(c); and specifies that grazing privileges "shall be adequately safeguarded" but that the creation of a grazing district or issuance of a permit does not create "any right, title, interest, or estate in or to the land..." BLM adheres to FLPMA 202(c)(a) with respect to local plan consistency. BLM is required to insure that RMPs developed under FLPMA are consistent with State and local land use plans only if consistent with Federal law.

NGO-Pershing County NRAC

Comments**Responses**

Presidential Executive Order 12630 --- Governmental Actions and Interference With Constitutionally Protected Property Rights see 62 Fed. Reg. 48,445 (1988)

"The Fifth Amendment of the United States Constitution provides that private property shall not be taken for public use without just compensation Recent Supreme Court decisions, however, in reaffirming the fundamental protection of private property rights provided by the Fifth Amendment and in assessing the nature of governmental actions that have an impact on constitutionally protected property rights, have also reaffirmed that governmental actions that do not formally invoke the condemnation power, including regulations, may result in a taking for which just compensation is required." Section 1(a).

"The purpose of this Order is to assist Federal departments and agencies in undertaking such reviews and in proposing, planning, and implementing actions with due regard for the constitutional protections afforded by the Fifth Amendment and to reduce the risk of undue or inadvertent burdens on the public fisc resulting from lawful governmental action." Section 1(c).

"The Just Compensation Clause [of the Fifth Amendment] is self-actuating, requiring that compensation be paid whenever governmental action results in a taking of private property regardless of whether the underlying authority for the action contemplated a taking or authorized the payment of compensation. Accordingly, governmental actions that may have significant impact on the use of value or private property should be scrutinized to avoid undue or unplanned burdens on the public fisc." Section 3(e).

Agencies are required to prepare a Takings Implication Assessment prior to taking any action, issuing any rule, or making any decision which would constitute a taking of private property or private property interest including investment backed expectation.

Note: although not specified in this EO, agency actions may partially Take property as demonstrated in *Loveladies Harbor Inc., et. al. vs. the United States*, 21 C.L.C.T. 153 (1990) which have awarded compensation for partial takings where the takings have frustrated reasonable investment backed expectations and deprived the individual of the economically viable use of his land and property rights and interests.

NGO-PLANHDC

Comments

Responses

RECEIVED BLM
WINNEMUCCA NV
2010 OCT 26 PM 2:0

*PUBLIC LANDS ACCESS NETWORK
HIGH DESERT COALITION
4 Jasper Ln
Dayton NV 89403*

October 25, 2010

USDI Bureau of Land Management
5100 E. Winnemucca Blvd.
Winnemucca, NV 89445

Attention: Bob Edwards
RMP Team Lead

Enclosed are comments from our organization on the Draft Resource Management Plan for the Winnemucca Field Office.

The Public Lands Access Network, High Desert Coalition (PLAN-HDC) represents diverse users of public lands including ranchers, farmers, rock hounds, organized 4WD clubs, motorcycle and ATV riders, users who enjoy camping, fishing, hunting and other outdoor activities provided by the high desert areas within the great outdoors of Nevada and adjacent states. Many of the users we represent depend on the public lands for their livelihood from mining and grazing. Local government representatives are also active with our group.

We appreciate the opportunity to comment and the extra effort you folks have made to inform the public and answer questions.

Sincerely,


James Linebaugh, President

NGO-PLANHDC

Comments

Responses

**PUBLIC LAND ACCESS NETWORK HIGH DESERT COALITION COMMENTS ON
WINNEMUCCA DISTRICT OFFICE DRAFT RESOURCE MANAGEMENT PLAN AND
ENVIRONMENTAL IMPACT STATEMENT**

October 2010

IN GENERAL

As advocates for sustainable development and good multiple use management of land and resources the Public Land Access Network-High Desert Coalition (PLAN-HDC) members generally support resource use, commodity production, and recreation activity on Nevada public lands with few special designations and open access. This is especially important nowadays with a very precarious economic situation in Nevada. We will now be looking more than ever for support from the public land resource base managed by the Winnemucca Bureau of Land Management (BLM). Slower population growth, less discretionary income, and higher fuel cost may not drive the need for recreation use to the extent expected in the RMP area.

Some 1.2 million acres, including over ¼ million acres of wilderness are included in the resource management plan (RMP) associated with the Black Rock Desert/High Rock Canyon National Conservation Area (NCA). This federal creation removed a huge area available for motorized recreation, mining and geothermal development. Although agricultural and recreation use remains there are greater limitations. PLAN-HDC hopes that Winnemucca BLM will be mindful of this and not further limit use and access on remaining land in the district with this RMP.

ALTERNATIVE A (No Action)

BLM resource management has generally been pretty good over the years with considerable foresight. A major overhaul in direction is probably not needed. There are many new regulatory and policy safeguards in place such as Standards and Guidelines for Rangeland Health that need only to be recognized under this alternative as standard procedure. Management under the new RMP can mostly be under Alternative A supplemented to address needs now in focus like special actions to benefit sage grouse, management of natural wildlife expansion (i.e. antelope and possibly elk), use of organized wildfire support activity, invasive species control/management, and energy development

ALTERNATIVE B (Resource Use)

PLAN-HDC generally favors sustainable development and resource use with open access and a minimum of special land use designations. If we had to select an alternative from among those drafted this would be it. Nevada needs production from its very large public land resource base.

NGO-PLANHDC

Comments

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Page 2

ALTERNATIVE C (Resource Protection) Option 1

BLM is loaded with well trained resource specialists and managers quite capable of making good decisions regarding management in the Winnemucca area without extra sideboards and restriction of options and authority. We oppose the extra limits to opportunities that would be in place under this alternative. Nevada must rely on a large contribution from public lands and resources to maintain economic viability and provide quality experiences for all federal land users.

Option 2

Obviously this option is a political creation and there is no need for it since livestock grazing is clearly provided for by law. Grazing is ingrained in Nevada BLM history and must continue for economic/social reasons as well as for the value of livestock use to manage vegetation for desired plant communities (DPC) and reduced fire hazard.

ALTERNATIVE D (Preferred)

PLAN-HDC is hopeful that BLM will fully consider our suggestions and adjust its Preferred Alternative to result in a decision document that better reflects the values and recommendations from our broad based coalition.

SOME COMMENTS AND SUGGESTIONS ON PROPOSED ACTIONS

Soils Actions under Alternative B are by far the most realistic. We have the scientific knowledge to protect and even improve soil resources and prevent erosion. The emphasis on biological soil crusts in all other alternatives is not warranted. Biotic crust, even as a rangeland health factor objective, needs not to be overemphasized and stand in the way of achieving DPC goals that could far outweigh the importance of the crust, itself.

Water Resources Water is scarce in the RMP area and important for almost all uses. We emphasize the importance of site specific planning and full consideration of all interests where water management issues are involved. Please be careful to not rule out multiple water related uses in larger riparian situations when dealing with specific concerns or problems that can be addressed in a limited, site specific, way. All alternatives call for wild horse water. This should be limited to herd management areas (HMAs) and upper limits of herd populations.

Vegetation-Forest /Woodland Products PLAN-HDC recommends Alternative B actions which allow controlled burning as a management tool.

NGO-PLANHDC-1: Although biological crust can cause some adverse affects, the majority are beneficial. Refer to Technical Reference 1730-2 Biological Soil Crusts: Ecology and Management.

NGO-PLANHDC-2: In regard to the water sources in riparian areas: Action CA-WR 3.1. The BLM adheres to United States Code: Title 43 USC 666, also known as the McCarran amendment, which requires that federal entities waive sovereign immunity and comply with state water law. If water law conflicts with management objectives and actions, the BLM will defer to state law and seek to use the most effective alternative means to manage the health of the land and its multiple uses.

NGO-
PLANHDC-1NGO-
PLANHDC-2

NGO-PLANHDC

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Vegetation –Weeds Alternative B appears to be the best approach for dealing with invasive plants. Grazing can be an important management tool for using cheatgrass as forage while reducing the seed bank as well as the fuel load and providing better conditions for establishment of desired perennials.

Vegetation-Rangeland Objectives A-VR 1. or B-VR 2 should be selected. They allow use of the best vegetation available to address restoration needs for habitat and forage. Action B-VR 1.3 should be selected and used wherever possible for diversified habitat and forage quality. Nevada research clearly indicates it is commonly a mistake to fully rest burned and/or seeded areas from grazing for two or more years. Please adjust the restrictive 3.1 Actions to allow grazing where needed to reduce plant competition in rehabilitation areas. BLM policy on this may change and the restriction should not be left in the RMP. Alternative B objectives and actions are the best plan for the sagebrush scrub. Invasive annuals are adapting to the salt desert scrub making these sites more fire prone. The salt desert scrub is usually drier with choices for revegetation limited. This causes an even greater need to prevent wildfire, a factor that needs to be recognized.

Vegetation-Riparian and Wetland Alternative B is probably the most realistic. Major runoff events are not unusual and may cause deviation from proper functioning condition (PFC) that takes a long time for recovery.

Fish and Wildlife Alternative A is the most realistic. It is essential that livestock forage availability must not be reduced to accommodate introduced or naturally expanding wildlife populations unless planning is coordinated with livestock users and there is full consensus.

Special Status Species The draft handles special status species rather well in Alternatives A and B. The possible waivers, exceptions, and modifications are helpful and can be considered by coordinated planning teams of all players when dealing with possible projects concerning special status species. This approach should help guard against the tendency to bar and/or severely restrict various uses and intrusions while aiming for near zero risk to special status species. When actions are done without consideration for all possible consequences it is sometimes counterproductive even for the welfare of species being addressed.

Wild Horses and Burros Objectives and action under Alternative B seem to best address wild horse and burro management. The following clarifications need to be in the RMP: 1) BLM ownership of water rights for horses is questionable but if rights are granted they should not exceed that needed for the upper AML limits in HMAs. 2) Grazing permit holders should not be expected to install, repair, or maintain water or other facilities (like fences) for wild horses. 3) Rangeland health standards and guidelines must apply to grazing use by wild horses and burros as well as livestock.

Wildland Fire Ecology Management Alternative B is probably the most acceptable.

NGO-PLANHDC-3:
Comment noted.

NGO-PLANHDC-4: The State Engineer has ruled that wild horses are acceptable as a beneficial use under the umbrella of wildlife, Division of Water Resources ruling #5489. See also response to NGO-PLANHDC-2.

NGO-PLANHDC

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Fuels Management There needs to be a strong statement on the need for fuels management to protect important habitats. Managed grazing to reduce fuel loading and use of fire resistant fuelbreaks should be provided for in the RMP. Roads are important firebreaks, themselves, and are useful for fire control equipment access. The RMP needs to make this case as reasoning for retaining access under all alternatives.

Cultural Resources Alternative B is the best choice including protection of Native American Values in the Stillwater Range. There should be no need to restrict access for general travel, ORVs, or other use (including mining and energy development) along the historic trails unless physical evidence remains or there is a site of significant historical importance. The Black Rock/High Rock NCA protects the Lassen, Applegate, and Noble Roads.

Tribal Consultation This is well provided for under BLM policy. Alternative B is probably adequate for the RMP.

Paleontological Resources Alternative A appears to be working and there should be no need for change.

Visual Resources Visual resource classifications should not change from Alternative A. The Black Rock/High Rock NCA and associated wilderness VR classifications are quite restrictive making it important that other WD lands not be hampered for energy production or other use by unnecessary visual restrictions. Lands leased or available should be in Class III or IV. The NCA visual resource classifications are very restrictive and further limits should not be placed in the WD RMP area.

Cave and Karst Resources Alternative B is good.

Livestock Grazing Alternative A supplemented in the decision to address new realities like livestock grazing to accommodate special status species concerns; wildfire prevention, suppression, and rehabilitation; and use of standards and guidelines for rangeland health should serve well in the future. There should be mention of the need to evaluate for possible increases in grazing use at least up to "preference" levels for which there is ample opportunity. Research is telling us that no grazing for two or more years following a fire or other vegetation changing event may not be the best policy. The RMP should allow for grazing use as needed in any rehabilitation plan to aid in stand establishment by reducing weed/annual plant competition. It is well known that no grazing results in vegetative decadence. We urge BLM to make provision in the RMP to allow prescriptive grazing as needed in all closed areas from time to time except immediately around municipal water sources. Forage reserve banks should not be considered in any allotments open for new permits under the Taylor Grazing Act. There is good reason, however, to use feed from acquired land not within allotments and lands not regularly grazed. We ask that provision for this be noted in the RMP to provide ranchers a feed supply in times of drought, fires, or other events that preclude normal grazing use.

NGO-PLANHDC-5:

FW1.6 stresses restoring , protecting and improving wildlife habitat by utilizing vegetation manipulation treatments. Prescribed grazing is addressed in LG1.11.

NGO-PLANHDC-6: This RMP does not address the NCA. The NCA RMP was finalized in 2004.

NGO-PLANHDC-7: The FEIS/RMP includes management actions that address prescribed grazing. Action VR 3.1.1 allows for short term prescribed grazing within Emergency Stabilization and Rehabilitation areas in order to achieve resource objectives.

NGO-PLANHDC

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Mineral Resources: Leasable, Locatable, and Salable Alternative A appears to be the most acceptable in the RMP area when considering the withdrawal taken in connection with the NCA and wilderness. Economic considerations now call for production from the WD and limitations must be kept to a minimum. Visual resource Classes III and IV should be the general rule in all open areas and proximity and surface occupancy restrictions around special status species and cultural resource areas must be limited to those really needed.

Recreation, Visitor Outreach and Services

Transportation and Travel Management Recreation activity in the WD may be less than that projected a few years ago. The RMP Alternative A will probably serve quite well with decisions and additions to accommodate changes and updates mostly from spillover impacts and use in connection with Burning Man activities and the NCA. A special recreation area has been favorably discussed south of the NCA boundary at Trego Hot Springs to accommodate ORV use. We have concern that creation of Special Recreation Management Areas (SRMAs) will evolve into other more restricted use designations. We see no real need for nearly a million acres of SRMA at Nightingale. Likewise the 96000 acres proposed at Granite Mountain is not necessary. There are quite a few roads in these areas which are not used very much but should be open for everyone unless they are causing resource damage. That includes the elderly and infirm plus hunters, graziers, and even wildlife managers and BLM folks. There is no need for recreation zones. We emphasize educational action efforts urging resource protection and respect along with use of directional and location information signs. They are a great help for public safety. Actions for travel planning and management under Alternative B appear to be quite reasonable.

Renewable Energy Renewable energy development has a high national level of priority. Alternative A should be used with full evaluation all proposals for possible adverse impacts without automatic rejection based on areas of exclusion. BLM should not be overzealous with visual restrictions around renewable energy projects.

Lands and Realty Alternative A is best. With the predominance of federal land in Nevada and recent acquisitions federal holdings should be open for private ownership and an expanded local government tax base wherever possible. We do not favor conservation easements held by BLM but encourage them in the hands of other land trust organizations when desired by owners.

Areas of Critical Environmental Concern PLAN-HDC does not favor creation of additional ACECs. Alternative B.

Back Country By-Ways We encourage back country by-ways. Alternative A, B, or D are all good.

National Historic Trails The historical trails are well protected under national historic trails designations and the NCA. There is no need to have additional restrictive visual requirements or surface occupancy limits where no trail remnants remain and there are no trail connected sites or events to commemorate.

NGO-PLANHDC-8:
Comment noted.

NGO-PLANHDC-9: A Comprehensive Transportation & Travel Management Plan (CTTMP) will address these concerns after the ROD for the RMP is signed. The CTTMP will be determined with full public participation & input.

NGO-PLANHDC-10: Comment noted.

NGO-PLANHDC-11: A range of alternatives were developed that address varying use restrictions and historic trails management – See CR 6.0 to 6.10. The Historic Trails section was also updated.

NGO-PLANHDC

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Wild and Scenic Rivers PLAN-HDC recommends Alternative B. It's difficult to imagine any streams in the RMP area qualifying as such.

Wilderness Study Areas and Lands With Wilderness Characteristics Alternative A is the most realistic considering the large area of wilderness created with the NCA. We are aware of the "Documentation of Current Wilderness Inventory Condition" evaluations for the Buckhorn and Granite areas. We are well acquainted with these areas and conclude that they do not have conditions favorable for wilderness designation. There are numerous roads, private holdings (Granite), and a large potential for mineral development in both areas.

Watchable Wildlife Viewing Sites Alternative D is good.

Public Health and Safety BLM should work closely with and provide funding for local law enforcement agencies to provide joint capability with few BLM enforcers. (Actions D-PS 4.3 and 4.3.1)

Sustainable Development PLAN-HDC supports Alternative D.

NGO-PLANHDC-12:
Wilderness Study Areas are not designated in the RMP.

NGO-PLANHDC-13:
Outside the scope of this RMP.

Public Land Access Network-High Desert Coalition
4 Jasper Lane, Dayton, NV 89403
October 25, 2010

NGO-Sagebrush

Comments

Responses



P.O. Box 1478
McCall, Idaho 83638
www.sagebrushfund.org

October 25, 2010

Via U.S. Mail and E-Mail to wdrmp@blm.gov

Robert Edwards, RMP Team
Bureau of Land Management
Winnemucca District
5100 E. Winnemucca Blvd.
Winnemucca, NV 89445

Re: Winnemucca BLM Draft RMP/EIS

Dear Mr. Edwards:

I am writing on behalf of the Sagebrush Habitat Conservation Fund, Inc. (the "Sagebrush Conservation Fund"), an Idaho non-profit organization with the mission to "protect and restore sagebrush habitat for native wildlife through voluntary conservation." One of the methods that the Sagebrush Conservation Fund may use to further its voluntary conservation method is the retirement of federal grazing permits from interested willing seller permittees on an individualized basis. However, in exchange for funding permit retirements from willing sellers, the Sagebrush Conservation Fund would want some certainty that the AUMs being retired would be used for conservation purposes.

Accordingly, it would further our Fund's purpose, as well as enhance the opportunities for permittees who wish to engage in this type of voluntary, free market conservation, in instances where a grazing permittee voluntarily waives the permit without preference for conservation purposes, to have language in the RMP that provides for the permanent retirement of said permit.

Therefore, we respectfully request that you include the above language in the Alternative selected for the Final Winnemucca RMP, and appreciate the opportunity to provide these comments.

Sincerely yours,



Debra K. Ellers
President

NGO-Sagebrush-1:

The FEIS/RMP allows for voluntary relinquishment of grazing preferences.

NGO-
Sagebrush-1

NGO-Sierra Club

Comments

Responses



P.O. Box 8096
Reno, NV 89507

October 25, 2010

Gene Seidlitz, Manager
Winnemucca District RMP team
5100 E. Winnemucca Blvd.
Winnemucca, NV 89445

VIA: Email and FAX

Re: Winnemucca District Draft Resource Management Plan and Environmental Impact Statement

Dear Manager Seidlitz and RMP team,

On behalf of the 5,000 plus members of the Toiyabe Chapter of the Sierra Club in Nevada and the eastern Sierra, I am pleased to submit these comments on the Winnemucca draft RMP. The Sierra Club has participated in protecting public lands, improving public lands management, and planning for public land for decades, including the now ancient two Management Framework Plans which are being replaced by this RMP. We are submitting general and specific comments on the draft RMP and EIS. Other comments will be submitted by the Sierra Club on specific aspects of these documents.

GENERAL COMMENTS: The Sierra Club appreciates the well-written RMP, especially the thoughtfulness and thoroughness which went into the development of alternatives in this draft document and their outline in Table 2-3. It made the review and analysis of the voluminous documents considerably easier.

SPECIFIC COMMENTS:

Chapter 1:

A) The list of major planning issues on p 1-9 is good, with one exception. The effects of climate change is strangely absent from the list and for much serious discussion in the draft EIS. Changing climate and weather patterns are going to affect every other planning issue and resource use on the public lands in the Winnemucca District. There are extensive Department of Interior policy and planning guidelines and initiatives on climate change which should be incorporated into this important RMP document.

B) Other issues: Thank you for the acknowledgement and inclusion of the Greater Sage Grouse Conservation Plan for Nevada and eastern California (NDH 2004). Unfortunately, we did not find other important documents included, such as the DOI initiatives and instruction memoranda on Sage Grouse and energy projects. The discussion of BLM's implementation and monitoring process (p. 1-22 etc.) would be greatly improved by disclosure on how the two Management Framework Plans (MFP) were implemented and monitored. A "report card" on the MFSs would be most valuable, especially since some MFP decisions are being incorporated into draft RMP alternatives. Likewise, a report on how much monitoring has been conducted by the Winnemucca BLM in the intervening years would

NGO-Sierra Club-1: The planning issues identified were based on public scoping comments.

The BLM has conducted additional analysis for climate change in the FEIS. This analysis includes greenhouse gases, major economic sectors contributing to emissions that are subject to BLM land use management practices, global mean temperature changes and future trends. See Chapter 3 Air Quality.

NGO-Sierra Club-2:

BLM prepares land use plan evaluations. Based on the last evaluation, it was determined that a new land use plan needed to be developed to address new and emerging issues.

NGO-Sierra Club-2 Cont-d	NGO-Sierra Club Comments	Responses
	<p>help provide basic information on which to analyze draft RMP alternatives, especially those contingent on monitoring, which may or may not occur. For instance, adaptive management (p.1-25) is totally dependent on monitoring. If monitoring does not occur as planned, then the effectiveness of BLM actions cannot be known and potential changes in management decisions cannot take place, at least not in a cost-effective manner.</p>	
NGO-Sierra Club-3	<p><u>Chapter 2: ALTERNATIVES</u></p> <p>A) Management Goals: The list on p. 2 is good; however, we could not find a management goal re: water. Both water supply and water quality are essential to good land management. With climate change effects on water supply, as well as proposed water exportation projects and other water-intensive projects threatening local and regional water supplies and water necessary for BLM land and resource management, the BLM should provide more extensive discussions of water in the final RMP. The essential question: How much water does BLM need to provide for water necessary to carry out the implementation of the RMP and effectively carry out its multiple use mission and goals/objectives? We certainly strongly support Action CA-WR2.1 to "acquire or provide through permit public water reserve, adjudication or purchase processes, as provided by federal and state water law," especially if we had more information on what quantity is needed.</p> <p>B) Table 2-3, Proposed Goals, Objectives, and Action: We found many excellent proposed actions in all four alternatives, as well as some to which we object. We generally support Alternative C. We will mention some actions we strongly support or oppose below.</p>	<p>NGO-Sierra Club-3: The Water Resources Management Goal is shown in Table 2-1. Performing a district wide assessment of total water needs would be an undertaking of unreasonable proportions. The BLM intends to incrementally assess water needs and move forward with management actions related to those needs.</p>
NGO-Sierra Club-4	<p>We support actions proposed to protect and manage Air Quality, Geology, Soils, Water (except that we strongly oppose Actions C and D WR 2.3 to allow water exportation projects in the RMP area. Such interbasin transfers have resulted in significant environmental and socio-economic harm to basins of origin, such as Owen Valley in the eastern Sierra, which mitigation has totally failed to reverse. Please delete this goal/objective/action from the draft RMP.</p>	<p>NGO-Sierra Club-4: WR 2.3 gives a range of alternatives with respect to water importation and exportation. D-WR 2.3 would only allow exportation and importation if projects do not exceed the perennial yield of the source basin.</p>
NGO-Sierra Club-5	<p>We support actions proposed in Vegetation, Weeds (however, we prefer improved management to be implemented first to reduce the spread of invasive plants rather than the use of expensive and environmentally damaging chemical and biological "treatments."). We also support actions proposed in rangeland management, but oppose the use of "prescriptive" grazing which we have found to be simply a method of allowing grazing which does not meet standards and guidelines. We are also concerned about the proposed extensive use of prescribed fire in native sagebrush ecosystems on which declining species such as Sage Grouse and Pygmy Rabbits depend. Such fire treatments should be used very sparingly and instead, BLM resources should be used to restore sagebrush areas already burned and invaded with cheatgrass and other invasive species. We question the widespread use of "fire-breaks" in native shrublands and encourage the BLM to drop this practice, unless it can be supported as a cost-effective approach to limiting fire (instead of providing corridors for weed invasion).</p>	<p>NGO-Sierra Club-5: A range of alternatives has been provided in VR 3.1, VR 4.3, SSS 1.5, LG 1.10, LG 1.11 that address prescribed grazing. Based on the comment, prescribed grazing was added to clarify alternatives VR 1.2, VR 8.1 and WFM 2.1.</p>
NGO-Sierra Club-6		<p>NGO-Sierra Club-6: Fuelbreaks would be constructed based on implementation of BMPs and SOPs found in Appendix B Fuels Management.</p>
NGO-Sierra Club-7	<p>We support actions proposed in Fish and Wildlife, especially prohibiting bighorn sheep introduction on sheep allotments and no non-native introductions. The buffer zone for proposed projects should be extended to no less than four miles from active leks and breeding areas. We strongly object to the "waiver" in C and D-SSS 1.2.1 for disturbances to leks. There is no "mitigation" for the loss or direct adverse impacts to a lek. Avoidance is the first and only acceptable action if the BLM properly protects this declining species. Likewise, we strongly object to D-SSS 1.5 which would allow grazing in exclosures or proposals for "alternative nest sites! (C-SSS 1.6)." Please drop these proposed "actions."</p>	<p>NGO-Sierra Club-7: Refer to Appendix L.</p>
NGO-Sierra Club-8		<p>NGO-Sierra Club-8: Comment noted.</p>

NGO-Sierra Club

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NGO-Sierra
Club-9

Actions proposed in the very controversial Wild Horses and Burros are difficult to support or oppose due to insufficient information presented in the draft RMP. While we support changes in the current BLM WH&B management program, including adjusting HMAs and HAs as well as AMLs in order to better protect the environment and manage the animals in a thriving ecological balance with all other public resources and uses, we urge the BLM to make adjustments in a very public and transparent manner, using the best available science and monitoring the effectiveness of adjustments. The final RMP and ROD should not be used as a blanket decision without further environmental review and public input. While we support the use of contraceptives to slow down the rate of WH&B increases, we support only the cost-effective methods of contraception and those which minimize frequent gathering and handling of wild animals. We will be submitting other comments on this issue.

We support actions proposed to protect Cultural Resources, including effective tribal consultation.

We support actions to protect Paleontological Resources and Visual Resources.

NGO-Sierra Club-9: WH&B gathers would still be subject to site specific NEPA compliance.

NGO-Sierra
Club-10

We support Alternative D in regard to Livestock Grazing management, but support other Alternative actions to close grazing where it is not meeting standards and guidelines on a sustainable basis. We disagree that "progress towards meeting standards and guidelines" is adequate. This was debated by the Sierra Front/northwest RAC at great length and the consensus was that the standard must be "achieved within a specific timeframe," in order to correct long-standing grazing management problems which the BLM had failed to address over decades. This statement should be corrected in the final EIS. We support no new spring "developments" and encourage the BLM to add an action to rehabilitate existing spring developments which have proven to be harmful to wildlife and riparian health.

Thank you for including minerals withdrawal for Porter Springs, a very important bird area in the RMP area.

NGO-Sierra Club-10: Action D-LG 1.3.1 addresses management actions should non-attainment of standards and guidelines occur as a result of livestock or WH&Bs. Action D-LG 1.5 includes monitoring to assess standards and guidelines.

NGO-Sierra
Club -11

The Sierra Club supports a strong Recreation Plan for public lands in the RMP area. Insufficient information is provided in the draft RMP for review of the specifics of proposed SRMAs. We urge BLM to conduct additional NEPA analysis of proposed SRMAs and each RMZ within them, including impacts of increased recreation on fish and wildlife, sensitive species, etc. We support alternatives which are oriented to minimizing impacts of recreation on ecological health of public lands and resources, and oppose the "tourism-market-development" approach in the draft RMP alternatives.

We applaud BLM in tackling this long-overdue OHV problem on public lands. We strongly support actions (CR 10.1) under Alternative C to designate open, closed, and limited OHV areas as proposed. We do not support sacrificing checkerboard land areas to "open" use, but urge BLM to find other workable solutions with private landowners.

We support actions proposed to provide public lands for the development of renewable energy projects where appropriate. We strongly support C-RE 1.2 and 1.3 to designate avoidance and exclusion areas and hope that these are sufficient.

We support actions under Lands and Realty, alternative C to limit public land disposal to no

NGO-Sierra Club-11: Separate recreation management plans will be developed for each SRMA which would undergo through individual NEPA process, including public participation.

	NGO-Sierra Club	Comments	Responses
NGO-Sierra Club-12		<p>more than 1,215,963 acres. We strongly object to C and D-LR 5.2.1, allowing rights-of-way for water exportation projects. Such proposals must go through a rigorous NEPA process and be denied if necessary to protect public lands and resources.</p> <p>We support Alternative C, on wilderness protection. Other comments will be submitted on this issue.</p> <p>A better definition of "sustainable development" is needed in the final RMP/EIS. Most of the actions supporting this concept appear to be directed at maximizing all development. The proposed "re-use" criteria are somewhat vague. We generally support Alternative C actions in this issue.</p>	NGO-Sierra Club-12: Sustainable development as proposed applies to the realty and minerals sections. Re-use strives to focus development in previously disturbed areas.
NGO-Sierra Club-13		<p><u>Chapter 3:</u> There were a number of excellent maps in this chapter - thanks. We were struck by the number of over-subscribed groundwater basins in Table 3-9. This supports our recommendation to the BLM to include more discussion and actions for acquiring water which is necessary for proper management of public lands and resources. We strongly urge the BLM to include as part of the RMP a commitment to conduct an inventory of springs on public lands in the RMP area, their conditions, water rights ownership, and potential for rehabilitation.</p>	NGO-Sierra Club-13: Efforts of this type are included in the BLM's goal of moving toward a greater percentage of riparian areas reaching PFC.
NGO-Sierra Club-14		<p><u>Chapter 4:</u> This chapter appears to be deficient in assessing impacts from proposed RMP alternatives. For example, while we appreciate the BLM listing its assumptions in writing the draft RMP, the third assumption on (page 4-2) appears to deny climate change. This is a very short-sighted approach and one which will ensure that the BLM will not be prepared to deal with climate change on all of its resources and programs. The discussion in Chapter 2 on climate change appears irrelevant, given this erroneous assumption. Please remedy this egregious error in the final RMP. The discussion of cumulative impacts in 4.1.3 suffers from lack of any consideration of the impacts of on-going projects, such as the Ruby gas pipeline project, as well as future energy projects and any future water exportation projects. Please correct in the final RMP. The discussion of impacts on air quality omits any discussion of future groundwater exportation projects. As you may know, groundwater is only "available" for other uses if it is pumped, killing phreatophytic vegetation on which grazing, fish and wildlife, sensitive species, soil stability, air quality and other resources depend. Lastly, this chapter appears to rely unwisely on "mitigation" to resolve adverse environmental impacts of proposed developments, rather than "avoidance." Prevention or avoidance is a more cost-effective approach than expensive and questionably effective "mitigation" approaches.</p>	NGO-Sierra Club-14: See response to NGO-Sierra Club-1. Climate change was added to the air quality section, in Chapter 3. BLM revised the cumulative impact sections by resource or resource use. Section 4.1.3 recognizes renewable energy as reasonable foreseeable future actions.
NGO-Sierra Club-15		Thank you for considering our comments.	NGO-Sierra Club-15: Site specific NEPA analysis would be completed prior to permitting ground water use projects. Specific impacts to and mitigation for air quality would be addressed.
NGO-Sierra Club-16		<p>Sincerely,</p> <p><i>Rose Strickland /s/</i></p> <p>Rose Strickland, Chair Public Lands Committee</p>	NGO-Sierra Club-16: According to FLPMA, Sec. 102 (8), BLM must manage public lands to protect resource values. BLM uses a combination of mitigation measures, prevention, and avoidance to reduce impacts while providing for multiple use and sustained yield.

NGO-Take Action

Comments

Responses



Carol Hupp
<ps_748943047@care2.com>
Sent by: Site Administrator
<takesaction@idausa.org>

To: wdrrmp@blm.gov
cc:
bcc:
Subject: Winnemucca RMP, Edwards

10/21/2010 01:44 PM
Please respond to
Carol Hupp
<ps_748943047@care2.com>

Oct 21, 2010

BLM Winnemucca District Office

Dear Winnemucca District Office,

I urge the Winnemucca District Office to revise the proposed alternatives outlined in the Draft Resource Management Plan (RMP) and all other land-use documents tiered to it to ensure that wild horse and burro appropriate management levels (AML) are increased through equitable distribution of resources.

The Standards and Guidelines must ensure that wild horses can thrive on the range and be treated in a humane and minimally-intrusive manner that preserves their wild and free-roaming behavior. No proposed alternatives provide sufficient protection for wild horses and burros to be managed on the range. The Wild Free-Roaming Horses and Burros Act mandates that wild horses and burros be considered "an integral part of the natural system." This proposed RMP fails to uphold that mandate.

I urge that the following tenets be incorporated into Alternative C2 in the RMP:

- Designate all Herd Management Areas (HMAs) to be managed principally for wild horse or burro herds as allowed under 43 C.F.R. 4710.3-2. Decrease or eliminate livestock grazing in HMAs pursuant to 43 C.F.R. 4710.5(a).

- Base AMLs on scientific and rational principles that provide adequate herd size for genetic viability.

- Allocate resources equitably. Ranching and other commercial usages should not be allocated more resources or given preference over wild horses and burros.

- No "zero-ing out" of wild horse or burro herds. Range rotation, re-seeding, and temporary fencing should be among the tools used to protect and restore any areas that do not meet habitat or rangeland standards.

- Re-evaluate "zero-ed out" herd areas for horse/burro reintroduction.

- Utilize range management to address wild horses and burros who wander across the borders of Herd Management Areas (HMAs), instead of permanently removing them.

The BLM received approximately 3,814 form letters listing comments identified in NGO-Take Action. The BLM therefore considers the responses to this form letter as applicable to all form letters received listing the same comments. It should be noted the form generated by Take Action allowed submitters to add additional comments. Added comments on the form ranged from concern over the ranching/mining industry and development, concern over how horses are treated during gathering operations, the desire to protect horses and burros as part of our national treasure, to be kind to the wild horses, and to leave them alone. Many of the added comments were in disagreement with the BLM and its Wild Horse and Burro program and the use of tax dollars to gather the animals.

The BLM manages public lands for multiple uses, one of which is for wild horses and burros (WH&B). The appropriate management levels (AMLs) for wild horse and burros were set in conjunction with the animal unit months (AUMs) for live-stock grazing and wildlife. The appropriate management levels were set to achieve a thriving natural ecological balance on the public lands.

The BLM complies with the Wild Free-Roaming Horses and Burros Act of 1971 and uses the most humane tools during gathering; 43 CFR, Part 4740.1, states that "motor vehicles and aircraft may be used by the authorized officer in all phases of the administration of the Act, except that no motor vehicle or aircraft, other than helicopter, shall be used for the purpose of herding or chasing wild horses or burros for capture or destruction. All such use shall be conducted in a humane manner."

NGO-Take Action-1: There is a range of alternatives in the RMP regarding the distribution of AUMs among livestock and WH&B, along with a no livestock grazing alternative.

NGO-Take Action-2: See above. BLM is mandated to manage WH&B in accordance with the Wild Free-Roaming Horses and Burros Act of 1971.

NGO-Take Action-3: Habitat for WH&B is composed of four essential components: forage, water, cover, and space. These components must be present within the HMA in sufficient amounts to sustain healthy WH&B populations and healthy rangelands over the long term. If they are not present in sufficient amounts, the authorized officer should consider amending or revising the LUP to remove the area's designation as an HMA. If the decision is made to return a designated HMA to HA status, the total population of WH&B should then be gathered and removed. See BLM Manual Section 4710.3.

NGO-Take
Action-1

NGO-Take
Action-2

NGO-Take
Action-3

NGO-Take
Action-4

NGO-Take
Action-5

NGO-Take
Action-6

NGO-Take Action

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NGO-Take Action-7	- Removals of any kind should be rare and minimal. Other methods of management must be employed first and given a fair opportunity to succeed. If a limited removal is necessary, it must be done in a humane manner that respects horse social structure and keeps families intact.
NGO-Take Action-8	- Range management and controlling populations on the range should be the cornerstone of management of wild horses and burros. As such, the development of water resources, such as a system of guzzlers, should be a prominent feature of the RMP.
NGO-Take Action-9	- Support public-private partnership for on-the-range management of wild horses and burros and the creation of wild horse preserves (i.e. Soldier Meadows proposal).
NGO-Take Action-10	- Incorporate protection for predators in and around herd management areas as a part of managing wild horses and burros.
-11	- Ban vehicular intrusions for the purposes of racing.
-12	I support the removal of fencing impediments and the enhancement of water resources.
	Sincerely,
	Ms. Carol Hupp 3400 Townsend Blvd # 121 Jacksonville, FL 32277-2704

NGO-Take Action-4: When establishing AML, the analysis shall include an in-depth evaluation of intensive monitoring data or land health assessment. Intensive monitoring data shall include studies of grazing utilization, range ecological condition and trend, actual use, and climate (weather) data. Population inventory, use patterns and animal distribution should also be considered. A minimum of three to five years of data is preferred. Progress toward attainment of other site-specific and landscape-level management objectives should also be considered. H-4700-1.

NGO-Take Action-5: A range of alternatives is provided for allocating AUMs between livestock and WH&B. Action A-C 1.10 and Action D 5.7 .

NGO-Take Action-6: See response to NGO-Take Action-3.

NGO-Take Action-7: Comment noted.

NGO-Take Action-8: The RMP addresses a range of alternatives for managing WH&B.

NGO-Take Action-9: Comment noted.

NGO-Take Action-10: Management of big game species and populations are under the jurisdiction of the Nevada Department of Wildlife (NDOW) and is outside the scope of this analysis. See section 1.6 Planning Criteria and Legislative Constraints #3. The BLM works in cooperation with NDOW in the management of big game habitat. Under a multiple-use mandate, the BLM strives to achieve a balanced management of public land resources.

NGO-Take Action-11: The RMP addresses a range of alternatives and lists BMPs, SOPs and mitigation to minimize impacts from ORV racing.

NGO-Take Action-12: Comment noted.

NGO-TCSCWC

Comments

Responses



Marjorie Sill <msill@juno.com>

10/24/2010 04:35 PM

To: wdrmp@blm.gov

cc: msill@juno.com

bcc:

Subject: Winnemucca DRMP-Edwards

Dear Mr. Edwards: Thank you for your work on the Winnemucca Draft Resource Management Plan and for your help at the public meeting in Reno. I have visited many areas in the Winnemucca District since I moved to Reno in 1959 and am totally committed to the protection of its spectacular wildlands. I believe that the alternative which best protects the resources of the Winnemucca District is Alternative C, Option 1.

I support the identification of the following areas as having wilderness characteristics: Fencemaker, North Sahave Mountains, Tobin Range, and the Buckhorn Peak and Granite Peak in the Granite Range. The Granite Range is particularly important because of its abundant water, wildlife, and opportunities for primitive recreation. It would certainly have been classified as a Wilderness Study Area except for the amount of private land which has now been acquired. In addition, I would recommend that the highly-scenic core ridge of the Lava Beds, including the western flank, also be included as an area of wilderness characteristics. Since the Humboldt Co. Commission has recommended wilderness in the Pine Forest Range, that area may become wilderness in the not too distant future. Management of Wilderness Characteristics Areas should include the following: (1) Vehicle use should be limited to designated routes. (2)

These areas should be classified as Class 1 for Visual Resource Management. (3) These areas should be closed to mineral material disposal, mineral leasing, and mineral entry. (4) The entirety of these areas must be retained in public ownership.

I support designating all Wilderness Study Areas as "limited to designated routes." These routes should be identified with signs and on maps. Any damage incurred by vehicle incursions within the WSA should be rehabilitated.

Any private inholdings within WSA's, Wilderness, and Wilderness Characteristics Areas should be acquired from willing sellers as soon as the funds are available.

As identified in Alternative C, the following river segments, which were found eligible for Wild and Scenic River status in the BLM report of 2006, should be managed for protection of their values:

the North Fork of the Little Humboldt, Washburn Creek, and Crowley Creek. The North Fork of the Little Humboldt is particularly important.

Please send me a summary of your final Resource Management Plan to my address. Thank you.

Marjorie Sill
Chair, Toiyabe Chapter of Sierra Club Wilderness Committee
720 Brookfield Drive, Reno, NV 89503
775-322-2867

NGO-TCSCWC-1: BLM has identified lands having wilderness characteristics in the RMP. The Pershing County Wilderness Working Group recommendations have been carried forward for the wilderness characteristics included in this RMP. The Pine Forest working group recommendations are being considered by Congress and are likely to be enacted on prior to the finalization of this RMP/EIS. Ultimately WSA status and boundaries would be determined by Congressional action.

NGO-TCSCWC-2: The BLM will protect wilderness characteristics through land use planning and project level decisions unless the BLM determines that impairment of wilderness characteristics is appropriate and consistent with other applicable requirements of the law and other resource management considerations.

The BLM will consider such lands through an open, transparent and public planning process with full public participation and input.

NGO-TWS

Comments

Responses



October 25, 2010

Via email (wdrmp@blm.gov) and overnight mail (with attachments)

Bureau of Land Management
 Winnemucca District Draft RMP/EIS
 5100 E. Winnemucca Boulevard
 Winnemucca, NV 89445

Re: Comments on Winnemucca District Draft Resource Management Plan

Please accept and fully consider these comments on behalf of The Wilderness Society (TWS). Our more than five hundred thousand members and supporters care deeply about the management of our public lands. We appreciate this opportunity to comment and appreciate the Bureau of Land Management's commitment to addressing the circumstances and values related to management of the public resources within the Winnemucca District.

Planning Issues and Management Concerns Addressed:

1. Lands with Wilderness Characteristics
 - a. Inventory and Protection
 - b. Wilderness Study Areas
2. Renewable Energy
3. Travel Management
4. Climate Change

1. Lands with wilderness characteristics

a. Inventory and Protection

We support the Draft RMP's identification of the following areas as having wilderness characteristics: Fencemaker, North Sahwawe Mountains, Tobin Range and the two units in the Granite Range (Buckhorn Peak and Granite Peak). We appreciate BLM proposing to manage these areas to protect key values. Section 201 of FLPMA mandates that BLM inventory the resources of the public lands, their resources and values. 43 U.S.C. § 1711. In the land use planning process, including revision of RMPs, Section 202 of FLPMA requires that BLM take into account the inventory and determine which multiple uses are best suited to which portions of the planning area. 43 U.S.C. § 1712. BLM's mandate of multiple use and sustained yield, as well as other relevant law and BLM's current guidance, provides for inventory and protection of wilderness values.

Wilderness character is a resource for which BLM must keep a current inventory. As the U.S. Court of Appeals for the Ninth Circuit recently held:

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wilderness characteristics are among the 'resource and other values' of the public lands to be inventoried under § 1711. BLM's land use plans, which provide for the management of these resources and values, are, again, to "rely, to the extent it is available, on the inventory of the public lands, their resources, and other values." 43 U.S.C. § 1712(c)(4).

Oregon Natural Desert Ass'n v. Bureau of Land Management, 531 F.3d 1114, 1119 (9th Cir. 2008). Therefore, BLM is required to consider "whether, and to what extent, wilderness values are now present in the planning area outside of existing WSAs and, if so, how the Plan should treat land with such values." *Id.* at 1143.

NGO-TWS-1

We are concerned that the DRMP does not establish consistent, meaningful management prescriptions for the areas with wilderness characteristics. Action D-WSA 2.1 proposes to "protect key resource values through other resources/resource uses' designations (e.g., ACECs, avoidance area designations, VRM), identifications, allowable uses, and management actions in the following areas with wilderness characteristics..." (DRMP 2-262). This does not provide specific or comprehensible management direction for these areas.

NGO-TWS-1: See Action C-WSA 2.1.

Through management plans, BLM can and should protect wilderness character and the many uses that wilderness character provides on the public lands through various management decisions, including by excluding or limiting certain uses of the public lands. See, 43 U.S.C. § 1712(e). This is necessary and consistent with the definition of multiple use, which identifies the importance of various aspects of wilderness character (such as recreation, wildlife, natural scenic values) and requires BLM's consideration of the relative values of these resources but "not necessarily to the combination of uses that will give the greatest economic return." 43 U.S.C. § 1702(c).

NGO-TWS-2

The Winnemucca RMP should establish specific, consistent management prescriptions for areas with wilderness characteristics, including VRM I or II classification, closed to motorized use, ROW exclusion, and closed to all forms of energy development. As the DRMP points out, 4% of the planning area is designated "open" to cross-country ORV use, but only 1% of the district is closed to ORV use. This does not represent multiple use planning, and closing wilderness-quality lands to motorized use would help BLM meet its mandate to reduce user conflict and provide opportunities for quiet recreation. The Jarbidge (ID) Draft RMP proposes meaningful protections for lands managed to protect wilderness characteristics in its preferred alternative, including:

NGO-TWS-2: See Action C-WSA 2.1.

- Retain in Federal ownership (Land Tenure Zone 1).
- Manage as VRM Class II, with the exception of the existing utility corridor managed as VRM III.
- Close to motorized vehicle use. See the *Transportation and Travel* section for more details.
- Close to leasable mineral exploration and development.
- Close these lands to salable mineral development.
- Allow new range infrastructure if the infrastructure would help enhance wilderness characteristics. Existing range infrastructure may be maintained.

NGO-TWS	Comments	Responses
NGO-TWS-2 Cont-d	<p>• Make these lands a ROW exclusion area. (Jarbridge DRMP 2-121, available at http://www.blm.gov/pgdata/etc/medialib/blm/id/plans/jarbridge_rmp/draft_rmp_eis_-_volume.Par.20595.File.dat/File_1.6-Chapter_2.pdf)</p> <p>We recommend the Winnemucca RMP adopt similar prescriptions for lands with wilderness characteristics.</p> <p>In addition, we request that you also protect the following areas as lands with wilderness characteristics:</p> <ul style="list-style-type: none"> • The area directly south of the Blue Lakes WSA to the Sage Hen drainage; and • The highly-scenic core ridge of the Lava Beds including its western flank. 	
NGO-TWS-3	<p>The Lava Beds should also be managed as an "area with unique geologic formation." The DRMP proposes to manage several areas as such, providing important protective prescriptions including ROW exclusion, closed to salable mineral disposal, NSO for leasable minerals, commitment to pursue mineral withdrawal, and ORVs limited to existing routes (DRMP 2-28). The Lava Beds are an extraordinary geologic feature within the Winnemucca District and should be managed and protected as such.</p>	<p>NGO-TWS-3: The Citizens Proposal put forward by the Pershing County Checkerboard Lands Committee for Wilderness Characteristics Inventory has been adopted by this RMP. This Citizens Group and the BLM determined that the Lava Beds did not meet the criteria for Wilderness Characteristics.</p>
NGO-TWS-4	<p>Recommendations: The Winnemucca RMP should manage all of the areas identified in the draft plan as having wilderness characteristics, as well as the additional areas discussed above, to fully protect wilderness values. The RMP should establish management prescriptions that provide meaningful protections to those areas.</p> <p>b. WSAs</p>	<p>NGO-TWS-4: See Action C-WSA 2.1.</p>
NGO-TWS-5	<p>Wilderness Study Areas within the Winnemucca District should continue to be managed to protect wilderness values if they are released by Congress. The DRMP states, "if released by Congress, manage all or portions of 13 former WSAs for purposes other than wilderness using such alternative means of management" (DRMP 2-261). However, it is reasonable to assume that WSAs released by Congress may still possess wilderness character, which BLM should manage to protect.</p> <p>The Ninth Circuit Court of Appeals recently held: "wilderness characteristics are a value which, under the FLPMA, the Bureau has the continuing authority to manage, even after it has fulfilled its 43 U.S.C. § 1782 duties to recommend some lands with wilderness characteristics for permanent congressional protection." <u>Oregon Natural Desert Ass'n v. Bureau of Land Management</u>, 531 F.3d 1142 (9th Cir. 2008).</p> <p>By way of example, the approved RMP for the Carrizo Plain National Monument states, "if released from further consideration by Congress for wilderness designation, the Caliente Mountain WSA would continue to be managed to protect wilderness character under the guidance of this RMP (Appendix H, Management of Lands with Wilderness Character), unless the Congressional release language explicitly states otherwise" (Carrizo Plain PRMP 2-84).</p> <p>Recommendations: The RMP should direct that WSAs will continue to be managed for wilderness values if they are released by Congress.</p>	<p>NGO-TWS-5: BLM adheres to the Interim Management Plan.</p>

NGO-TWS

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2. Renewable Energy

NGO-TWS-6

We support BLM's proposal to designate avoidance and exclusion areas for renewable energy, and that renewable energy projects within avoidance areas would "require special stipulations to mitigate any impact to resources" (DRMP 2-228). However, the DRMP leaves 6,422,234 acres of the planning area outside of the avoidance and exclusion areas unanalyzed in terms of renewable energy development, and available to renewable energy rights-of-way.

NGO-TWS-6: The RMP proposes areas that are closed to Geothermal and Right of Way activities. Refer to MR4, MR 6.2, RE 1.2 and 1.3, and LR 5.3.

NGO-TWS-7

The RMP should identify zones for renewable energy projects and limit all renewable energy development to those zones. Zones should be based on high-resource, low-conflict areas that are on already-degraded lands and near existing infrastructure. The BLM is already taking a similar approach in the ongoing Programmatic Environmental Impact Statement for Solar Energy Development and this RMP should designate zones for all types of renewable energy and then limit development to those zones. In addition, within the zones, BLM should prioritize lands that are most suitable for development, ensure adequate protective measures are imposed on development, and require both on-site and off-site mitigation of impacts to resources, as well as loss of uses (such as recreation).

NGO-TWS-7: See response to NGO-TWS-6.

For off-site mitigation, we also direct BLM's attention to IM 2008-204, which describes the broad type of actions that may be taken to address both direct impacts of a project and greater cumulative effects that development is having on a landscape. IM 2008-204 identifies and elaborates on the types of off-site mitigation that can be used, stating:

- Offsite mitigation may include, as appropriate:
 - In-kind: Replacement or substitution of resources that are of the same type and kind as those being impacted.
 - Example: For every acre of new, long-term surface disturbance in important sage-grouse nesting/early brood-rearing habitat in Area (A), (X) acres of unsuitable habitat in Area (B) is reclaimed, treated, or planted to create new or suitable nesting/early brood-rearing sage-grouse habitat.
 - Out-of-kind: Replacement or substitute resources that, while related, are of equal or greater overall value to public lands.
 - Example: For every acre of new, long-term surface disturbance in important sage-grouse nesting/early brood-rearing habitat in Area (A), the project proponent agrees to bury (Y) miles of existing power lines and remove the power poles used as hunting perches by raptors in Area (B).
 - In-lieu-fee: Payment of funds to the BLM or a natural resource management agency, foundation, or other appropriate organization for performance of mitigation that addresses impacts of a project.
 - Example: The applicant may make payment to the BLM or a conservation group based on the amount of acres that will be disturbed in exchange for commitment from the recipient to apply the funds toward local sage-grouse core habitat protection/restoration projects.

NGO-TWS

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In the context of renewable energy development, there may be additional conservation priorities that can be pursued to mitigate the impacts of individual projects and BLM could begin discussions with interested stakeholders to identify these potential targets for off-site mitigation efforts or funding.

NGO-TWS-8:
See response to NGO-TWS-6.

BLM should locate high profile structures such as wind turbines more than 5 miles from active sage grouse leks. The preferred alternative proposes to authorize tall structures on a case-by-case basis between 0.25 and 2 miles from active leks (DRMP 2-86); however, recent science shows this is inadequate to protect sage grouse. The Jarbidge (ID) Draft RMP would site all new high profile structures more than 5 miles from active leks in its preferred alternative (DRMP 2-271¹) and we recommend the Winnemucca District adopt this approach.

Recommendations: The Winnemucca RMP should identify zones for all types of renewable energy development that prioritize high potential for energy development areas that contain degraded lands and are in close proximity to new transmission, while excluding sensitive conservation lands, such as citizen-proposed wilderness areas and ACECs. The RMP should also specifically preclude development outside the designated zones. Within the zones, the RMP should also set out prioritization criteria, which direct development to degraded lands and identifies other areas where development is more likely to lead to conflict, as well as setting out protective stipulations to safeguard other resources. We have provided a proposed "Sensitivity Based Prioritization for Development Areas Within Renewable Energy Zones" (attached to these comments) to be used by the Winnemucca District Office in implementing these recommendations. For off-site mitigation, BLM should provide for addressing a wide range of options to address the cumulative, far-reaching impact of renewable energy development (as set out in IM 2008-204) and should design a process to reach out to stakeholders and develop a set of conservation priorities to target in connection with off-site mitigation. High profile structures should be located more than 5 miles from active sage grouse leks.

3. Travel Management

We note that the Winnemucca District Office is not completing comprehensive travel planning as part of the RMP process, and that until route designations are completed, motorized use in the planning area will be limited to existing roads and trails (DRMP 2-226).

The Land Use Planning Handbook provides guidelines for addressing travel planning in the RMP even if comprehensive travel planning is deferred. Appendix C, pp 18-19 states:

If the final travel management network is to be deferred in the RMP, then the RMP should document the decision-making process used to develop the initial network, provide the basis for future management decisions, and help set guidelines for making road and trail network adjustments throughout the life of the plan. The identification of the uncompleted travel management networks should be delineated in the land use plan and the following tasks completed for each area:

- 1) Produce a map of a preliminary road and trail network;

¹ Available at http://www.blm.gov/pgdata/etc/medialib/blm/id/plans/jarbidge_rmp/draft_rmp_eis_-_volume.Par.20595.File.dat/File_1.6-Chapter_2.pdf

NGO-TWS-8

NGO-TWS

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- 2) define short-term management guidance for road and trail access and activities in areas or sub-areas not completed;
- 3) outline additional data needs, and a strategy to collect needed information;
- 4) provide a clear planning sequence, including public collaboration, criteria and constraints for subsequent road and trail selection and identification;
- 5) provide a schedule to complete the area or sub-area road and trail selection process; and
- 6) identify any easements and rights-of-ways (to be issued to the BLM or others) needed to maintain the preliminary or existing road and trail network.

If the decision on delineating travel management networks is deferred in the land use plan to the implementation phase, the work normally should be completed within 5 years of the signing of the ROD for the RMP.

NGO-TWS-9

The preferred alternative provides a detailed planning process for updating the transportation plan. The proposed process could be improved by adding a prioritization scheme and timelines for completion. By way of example, the Little Snake Field Office Proposed RMP (available online at <http://www.co.blm.gov/lssa/rmp/index.htm>) identified priorities for sub-regions to receive comprehensive travel management planning, which can also be useful for guiding implementation. Appendix F of the Little Snake RMP (attached) sets out criteria for prioritizing areas to receive comprehensive travel management planning, including:

- Special management areas
- Areas identified as "limited to designated roads and trails"
- Areas that meet fragile soil criteria
- User and resource conflicts
- Excessive complaints
- Wildlife/wild horse population trends
- Evidence of trail/road proliferation
- Areas with high road densities
- Impacts on cultural resources
- Unacceptable erosion
- Degradation of water quality
- Impacts on visual resources
- Loss of trail integrity
- Habitat fragmentation and damage
- Impacts on sensitive plants
- Need to provide a variety of user experiences

We encourage the Winnemucca RMP to prioritize areas in this manner. One additional type of sub-region that should be prioritized for travel planning is areas with low road densities that have the potential to be managed as primitive, backcountry, nonmotorized wildlife or quiet use areas.

Recommendations: The Winnemucca RMP should identify **specific** areas that will be prioritized for comprehensive travel planning and establish time commitments for completing each specific area, in addition to the 5-year deadline for completing travel planning for the entire district.

NGO-TWS-9:

The Travel Management Plan will be completed within the life span of this RMP.

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NGO-TWS-10

4. Climate Change

BLM has a legal duty to address the impacts of climate change both from land management actions and to the resource area in the DRMP. As described in the DRMP, the BLM Winnemucca District will undoubtedly experience real effects of climate change during the 20 year period that the RMP is in effect and beyond. Many prescriptions in the DRMP may contribute to and exacerbate the impacts of human-induced global climate change.

In addition to a genuine analysis of impacts, it is imperative that BLM craft strategies for addressing the impacts of climate change both in terms of mitigating management decisions' contributions to climate change and adapting to inevitable impacts of climate change.

The Great Basin Restoration Initiative (GBRI) has been in place to help the agency specifically evaluate and address climate change in this region. GBRI Coordinator, Mike Pellant, has made the following statements before the Senate Subcommittee on Public Lands and Forests regarding the GBRI on October 11, 2007:

- The impact of climate change on Great Basin ecosystems may be magnified compared to other ecosystems due to the aridity and lower resiliency of these lands. Rangelands in the Great Basin always are "on the edge" given the uncertain timing and quantity of precipitation, invasive species, altered fire regimes and increasing human population pressures.
- More emphasis on climate change will be incorporated into land use and sage-grouse plans in the future with additional agency and Departmental guidance and [Great Basin Restoration Initiative] technical assistance.
- BLM scientists are participating in the design of experiments specific to land management in the Great Basin.
- Over 200 managers, scientists, non-government organizations and private citizens met in Reno, Nevada, in the winter of 2006 and identified climate change, invasive species, and wildfires as key challenges in the Great Basin where better linkages between scientists and managers would prove beneficial.
- The BLM is an active participant in other research that has or is producing data and analysis with application in adaptation to climate change. These efforts include the National Center for Ecological Analysis and Synthesis Nevada Conservation Area Design, the Joint Fire Science-Funded Sagebrush Steppe Treatment Evaluation Project and the USDA-funded Integrating Weed Control and Restoration for Great Basin Rangelands.
- Monitoring the potential impacts of climate change on the flora and fauna on the 75 million acres of public land in the Great Basin requires a landscape approach. GBRI is participating with the USGS on the development of a "Great Basin Integrated Landscape Monitoring Pilot Project" that will assist managers to predict effects of climate change on stressors such as invasive species and wildfires at a landscape scale.

Thus, BLM has been involved in climate change analysis and planning for years now through GBRI. Additionally, BLM is co-lead agency in the Department of Interior's Great Basin Landscape Conservation Cooperative (LCC). This LCC, also being coordinated by Mike Pellant, will continue

NGO-TWS-10:

See response to NGO-Sierra Club-1.

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NGO-TWS-10
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to capitalize on the efforts already in place and can provide the Winnemucca District with valuable data for planning and management purposes. Unfortunately, there is no mention of either the GBRI or Great Basin LCC in the DRMP.

The following are comments and recommendations outlining BLM's legal obligations and a suggested framework for evaluating and addressing climate change in the Winnemucca District RMP.

A. The Legal Framework for Addressing Climate Change in Land Use Plans

1. BLM must take a hard look at climate change impacts from management decisions in the environmental impact statement for the resource management plan

On September 14, 2009, Interior Secretary Salazar issued Secretarial Order (S.O.) No. 3289. This order unequivocally mandates all agencies within the Department of Interior to "analyze potential climate change impacts when undertaking long-range planning exercises, setting priorities for scientific research and investigations, developing multi-year management plans, and making major decisions regarding potential use of resources under the Department's purview." S.O. 3289, *incorporating* S.O. 3226 (emphasis added). This DRMP falls squarely under this guidance and BLM must assess impacts from the proposed actions that may directly, indirectly, or cumulatively result in exacerbating climate change within this document.

The DRMP begins to analyze both global and regional impacts from greenhouse gases (GHG) and acknowledges that activities in the district will likely contribute to increased GHG emissions:

Sources of greenhouse gas emissions in the WDO area include fossil-fueled power plants, wildfires and prescribed burns, vehicles and OHVs, construction for mineral and energy development projects, operational activities for mineral and energy development projects, and grazing livestock, wild horses, and burros. To the extent that these activities increase, greenhouse gas emissions are also likely to increase. 4-40.

The DRMP also has data on GHG emissions from uses like livestock grazing, wild horse and burros, and wildland fire, however, BLM should be disclosing this data for all uses including, but not limited to: vehicles and off-road vehicles, mineral and energy development projects, power plants, and the obliteration of carbon sinks in the planning area.

NGO-TWS-11

The DRMP has significant gaps in analysis of climate change impacts and GHG emissions in the planning area. For example, although the Nevada Division of Environmental Protection lists transportation as the second major sector contributing to Nevada's GHG emissions in 2005 (DRMP at 3-11), the DRMP does not contain data on the impacts of off-road vehicle use to climate change. The document does acknowledge that off-road vehicle use "generates fugitive dust and releases both criteria air pollutants and greenhouse gas pollutants from engine exhaust." DRMP at 4-28. There is recent science showing the impacts of fugitive dust from such uses as expediting snow melt and exacerbating the impacts of climate change. (Painter et al. 2010; see also, Gossens and Buck 2008, for a description of dust emissions from ORVs in Nevada

NGO-TWS-11:
See response to NGO-Sierra Club-1.

NGO-
TWS-11
Cont-d.

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that was funded by BLM). However, there is no analysis, for example, of how the decisions to designate off-road vehicle open areas might increase those impacts.

BLM is required to take a hard look at direct, indirect, and cumulative impacts to and from climate change in the planning area in the RMP. The following sections provide a suggested framework for this analysis in the RMP.

a. Quantification of Greenhouse Gas Emissions

BLM must analyze greenhouse gas (GHG) emissions in the planning area as part of the RMP amendment. In determining what levels of GHG emissions to measure as “significant” under NEPA, the agency should look at the relative percentage of GHG emissions reductions that an alternative could produce compared to the baseline carbon performance for the planning area. This is the approach taken in the President’s Executive Order 13514. Setting an actual numerical threshold of significance is ill-advised as it is against the current policy trends of CEQ and other agencies and because it ignores the cumulative nature of climate change.

As a general approach, BLM should first assess and, wherever possible, quantify or estimate GHG emissions by type and source by analyzing the direct operational impacts of their proposed actions. Assessment of direct emissions of GHG from on-site combustion sources is relatively straightforward. For many projects, energy consumption will be the major source of GHGs. The indirect effects of a project may be more far-reaching and will require careful analysis. Within this category, agencies should evaluate, *inter alia*, GHG and GHG-precursor emissions associated with construction, electricity use, fossil fuel use, downstream combustion of fossil fuels extracted or refined by the project, water consumption, water pollution, waste disposal, transportation, the manufacture of building materials, and land conversion.

Because failure to conserve carbon sinks results in direct and quantifiable GHG emissions as well as indirect effects from reduction in carbon sequestration, the GHG effects of destruction of carbon sinks should be analyzed as part of the EIS. The GHG effects of destruction of carbon sinks should be analyzed both in terms of carbon already stored in the landscape and soil itself and in terms of the landscape’s ongoing carbon-capturing properties. Such an analysis requires that an initial inventory of carbon storage potential be conducted for each landscape. The environmental review should assess and where possible quantify all the various component carbon pools – live trees, other vegetation, dead trees or vegetation (coarse, woody debris and snags), logs, litter, duff, and mineral soil – and the fluxes of carbon to and from these pools, due to natural processes like decay and fire, and those associated with management, harvest and/or manufacture of extracted resources, including the burning of fossil fuels needed to remove, transport, and process those materials. In conducting this assessment, fluxes associated with fire management and the restoration of the resilient native ecology should be accounted for separately. Net fluxes from terrestrial pools to the atmosphere may occur from management activities, such as prescribed and natural fire management, but may be considered beneficial, if they enhance the long-term carbon storage ability of the ecosystem and enhance ecosystem integrity.

NGO-TWS-12:
See response to NGO-Sierra Club-1.